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New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. D'Alotto
	China	Mr. Zhang Yishan
	Congo	Mr. Gayama
	France	Mrs. Collet
	Ghana	Mr. Christian
	Greece	Mrs. Telalian
	Japan	Mr. Oshima
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Qahtani
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Mr. Llewellyn
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Willson

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 29 May 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2006/353)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-37777 (E)

Letter dated 29 May 2006 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2006/358)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 29 May 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2006/353)

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The President: I should like to inform the Council that I have received letters from the representatives of Rwanda and Serbia, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Shalita (Rwanda) and Mr. Loncar (Serbia) took the seats reserved for them at the side of the Council Chamber.

The President: On behalf of the members of the Council, I extend a warm welcome to His Excellency Mr. Zoran Loncar, Minister of Public Administration and Local Self-Government of the Republic of Serbia.

I shall take it that the Security Council agrees to extend invitations under rule 39 of its provisional rules of procedure to Judge Fausto Pocar, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991; Judge Erik Møse, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994; Ms. Carla del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

It is so decided.

I invite Judge Pocar, Judge Møse, Ms. Del Ponte and Mr. Jallow to take their seats at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of members to photocopies of letters dated 29 May 2006 from the President of the International Tribunal for the Former Yugoslavia and from the President of the International Criminal Tribunal for Rwanda, which will be issued as documents of the Security Council under the symbols S/2006/353 and S/2006/358, respectively.

At this meeting, the Security Council will hear briefings by the President and the Prosecutor of the International Tribunal for the Former Yugoslavia, and the President and the Prosecutor of the International Criminal Tribunal for Rwanda.

Following those briefings, I will give the floor to Council members who wish to make comments or ask questions.

I now give the floor to Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia.

Judge Pocar: It is a privilege to appear once again before the Security Council as President of the International Criminal Tribunal for the Former Yugoslavia.

This is the fifth report of the President of the Tribunal pursuant to Security Council resolution 1534 (2004). It explains the concrete measures taken, as well as the challenges faced by the Tribunal from December 2005 to May 2006 in its efforts to meet the objectives of the completion strategy. I will also update the Council on new developments that have taken place since its submission.

It is a special honour to address the Security Council during your presidency, Madam. On behalf of the Tribunal, I sincerely thank you for the strong support your country has demonstrated for our work over the years. We have also benefited from the experienced and dedicated service of one of your citizens as an ad litem judge at the International Tribunal.

Allow me to begin with a brief overview of the judicial work of Chambers. In the reporting period, the Trial Chambers continued to function at maximum capacity and heard six trials simultaneously, while managing 22 cases in the pretrial stage. In addition, Chambers proceeded with four contempt trials involving six accused and one guilty plea. Almost 200 pretrial decisions were issued and three judgements rendered. Following the termination of the Milosevic trial, I reorganized the Trial Chambers to fully engage the judges of that Chamber in new judicial work and to allow for the commencement of the three multi-accused trials involving 21 accused several months earlier than originally planned. Notably, the first of the multi-accused trials began in April 2006, involving six accused, and the other two multi-accused trials, involving a total of 15 accused, are on track to start in July 2006.

Similarly, the Appeals Chamber has continued working at full speed and disposed of 127 appeals both from this Tribunal and the International Criminal Tribunal for Rwanda (ICTR), including three final judgements. In July, two more judgements will be issued and another two are expected in the fall.

To date, 161 persons have been charged by the International Tribunal and proceedings against 94 accused have concluded. In addition, the Appeals Chamber of the International Tribunal has concluded 12 ICTR cases and proceedings, involving 16 accused. Furthermore, other international criminal tribunals are now benefiting from the International Tribunal's jurisprudence and experience.

I shall now update the Security Council about the latest developments following the deaths of Milan Babic and Slobodan Milosevic since my video-link conference with the Council on 31 March 2006.

First, with respect to Mr. Milosevic, on 5 April Dutch authorities finalized their confidential report on their inquest into his death under Dutch law. The report confirms that Mr. Milosevic died of natural causes, in particular of a heart infarction, and rules out any suggestion of suicide or criminal conduct such as poisoning.

Secondly, on 15 May, the report on the general audit of the United Nations Detention Unit by Swedish authorities, which I authorized, was made public. While the team of Swedish experts was generally satisfied with the overall operation of the Detention Unit they made specific recommendations to improve the conditions of detention, as well as the management structure of the Detention Unit. In response, the International Tribunal established a working group comprised of representatives from Chambers, the Registry and the Detention Unit itself, to follow up on those recommendations.

Thirdly, on 30 May, after the submission of the report, Judge Kevin Parker, whom I appointed to lead an internal inquiry into the death of Mr. Milosevic, submitted his report. The report concludes that there was proper provision of medical care to Mr. Milosevic while he was being held at the Detention Unit both by the Detention Unit's medical doctor and by independent cardiologists and specialists. Mr. Milosevic's serious health problems were complicated by the fact that he insisted on representing himself, against repeated medical advice. In an effort to afford Mr. Milosevic the right of self-representation while not jeopardizing his health, the Trial Chamber progressively reduced his trial schedule and often

adjourned the trial pursuant to medical advice. Mr. Milosevic's health was also complicated by his refusal to comply with the treatment prescribed by his doctors. On a number of occasions, he refused to be te ed or hospitalized. In addition, Mr. Milosevic failed to take some prescribed medications, varied the prescribed dosages and self-medicated with non-prescribed medications, such as rifampicin, at times disrupting the effectiveness of prescribed medications.

Judge Parker's report further concludes that the circumstances suggest that non-prescribed medications were smuggled into the Detention Unit during privileged visitations to Mr. Milosevic. Unique arrangements were made available to the accused by order of the Trial Chamber in September 2003 for privileged communications with legal associates and witnesses in order to allow him to effectively conduct his own defence. Mr. Milosevic therefore had a private room with a telephone, computer and facsimile machine. Those arrangements led to security deficiencies in the Detention Unit. Where abuses were discovered, the Tribunal endeavoured to take appropriate action while still upholding Mr. Milosevic's rights. The measures taken reduced, but did not eliminate, the capacity for misuse of the privileged room.

Finally, Judge Parker's report makes a number of recommendations and emphasizes that in future close attention must be paid to the experience of the Milosevic case in making arrangements for accused to represent themselves, so as not to compromise security in the Detention Unit. Specifically, there should be provision of special training for inspection of materials brought into the Unit by privileged visitors. On 2 June I ordered that the working group implementing the recommendations of the Swedish audit also follow up on Judge Parker's report.

With regard to Mr. Babic, Dutch authorities completed their final, confidential report on the results of their inquest into his death under Dutch law at the end of May. The report confirms that the cause of death was suicide and that there was no evidence of criminal conduct. Judge Parker's internal inquiry could not be completed until receipt of that extensive report by Dutch authorities. At present the Dutch report is being translated into English, and it has become evident that some aspects require follow-up investigations by Judge Parker. He has informed me that those investigations will be concluded in a few days and that his report will follow soon thereafter. At that time copies of Judge Parker's report will be forwarded directly to members of the Council.

Those matters aside, let me now address my first topic, regarding the completion strategy and the concrete measures taken by the Tribunal towards its implementation during the reporting period.

The working group on speeding up trials, which is chaired by Judge Bonomy with the assistance of Judges Hanoteau and Swart, issued its final report in February 2006 and made specific recommendations to enhance the efficiency of pretrial and trial proceedings by shifting from a party-driven process to one that is closely managed by the Tribunal judges. Following an open dialogue on the report, the judges met in an informal plenary meeting in April and adopted specific measures, which are having a fundamental impact on the efficiency of the Tribunal's trials.

First, a policy has been put into place whereby at the earliest possible stage all pretrial cases are transferred to the Trial Chamber that will hear the trial. In that way, the pretrial judge and the pretrial staff already familiar with the case will also serve on the trial, and thus facilitate more efficient proceedings.

Secondly, on 30 May, after the submission of the report, I convened a second plenary meeting of the judges of the Tribunal, which adopted an amendment to rule 73 bis of the Rules with regard to indictments. The judges have been increasingly aware that the length of trials starts with the complexity and breadth of the indictments, which lead to a lengthy presentation of the parties' cases. Previous efforts by the judges to change that pleading practice have been largely unsuccessful. Under this amendment, Trial Chambers now have the explicit ability, at the pretrial stage, to invite the prosecution to reduce the number of counts charged or to direct the prosecution to select the counts on which the trial should proceed.

The basis for that amendment is the statutory responsibility of a Trial Chamber to manage the trial with respect for an accused's right to a fair and expeditious trial and the right of those in pretrial detention to be tried within a reasonable period of time. It also follows a practice common in national jurisdictions of avoiding overloaded indictments to protect the integrity of the proceedings. At the same time, the amendment respects prosecutorial independence in bringing indictments before the

Tribunal and seeks the prosecution's cooperation in shortening trials through focused indictments.

Additionally, substantial steps are being taken by pretrial judges to more proactively manage pretrial proceedings. In that way they can focus proceedings, ensure trial readiness and shorten trials. I cannot mention all the measures, but I would like to highlight some of them.

Specifically, pretrial judges are establishing work plans of the parties' obligations at trial, with strict timetables for presenting their cases and ensuring strict implementation of such work plans. They are also requiring the prosecution to, at an earlier stage, specify its trial strategy, submit a focussed pretrial brief, and produce the final statements of all prosecution witnesses to be called at trial. They are obliging the defence to submit, in a timely manner, a focused pretrial brief and disclosure of expert testimony in order to identify points of agreement and disagreement between the parties, and they are making greater use of the power to sanction a party for failure to comply with disclosure obligations.

Additionally, Trial Chambers are ensuring increased efficiency of the trial proceedings by shortening the prosecution's case, by determining the number of witnesses the prosecution may call, limiting the time available for the presentation of evidence, and fixing the number of crime sites or incidents charged. They are making greater use of written witness statements in lieu of examination-in-chief and exercising greater control over the cross-examination of witnesses.

The next topic I wish to raise briefly concerns the Tribunal's ad litem judges, who have continued to be an invaluable asset for realizing the objectives of the completion strategy. During the reporting period, five new ad litem judges, including one reserve judge, were assigned to two cases.

In this connection, let me express again my extreme gratitude to the Council for having adopted resolution 1660 (2006) in February this year, which amended our Statute to allow for the assignment of ad litem reserve judges. The presence of reserve judges will obviate the need to restart the large, multi-accused trials should one or more of the judges on the bench be unable to continue sitting on a case.

My next topic detailed in the report concerns the referral of cases of intermediate- and lower-ranking accused from the Tribunal to competent national jurisdictions pursuant to rule 11 *bis*. To date, six accused have been referred to the Special War Crimes Chamber of Bosnia and Herzegovina, and two accused have been referred to Croatia for trial before its domestic courts. If all the pending motions are successfully referred, 10 cases involving 16 accused will have been removed from the Tribunal's docket.

However, no other cases are earmarked for referral, as they do not involve intermediate- or lower-level accused. I wish to note also that, for those referrals to the Bosnia and Herzegovina State Court to be successful, it is imperative that sufficient resources, including detention facilities meeting international standards, be made available to the Court. If that Court does not receive the support needed to conduct fair trials, the international community faces the possibility that referred cases may have to be deferred back to the International Tribunal under rule 11 *bis*.

Turning to my next topic, the cooperation of States with the International Tribunal, I would emphasize that the success of the Tribunal in completing its mandate within completion-strategy dates hinges upon such cooperation. Primarily, the assistance of all States, and specifically those in the region, is needed for bringing the six remaining high-level accused, in particular Karadzic and Mladic, to the Tribunal's jurisdiction without delay. Additionally, I take note of the fact that Lukic was transferred from Argentina last February and that Zelenovic has not been transferred so far.

The final topic that I wish to bring to the attention of the members of the Council is an update on the prognosis for the Tribunal's implementation of the completion strategy. As in my last report to the Council, I can confirm that trials will indeed run into 2009 and reiterate that the estimate of all trials finishing by that date may hold, provided that the multi-accused trials run smoothly; that the cases referred to the former Yugoslavia are not deferred back to the International Tribunal; that the new amendment to rule 73 *bis* is effectively implemented such that indictments are more focussed; and that, of course, the six remaining high-level fugitives are transferred to the jurisdiction of the Tribunal very soon.

In conclusion, notwithstanding the challenges encountered in these last six months, the International Tribunal pressed on full speed with its work, resulting in a productive period in the International Tribunal's history. I would stress that, as demonstrated by the concrete measures taken during this reporting period, the Tribunal is absolutely committed to doing everything in its power to meet its obligations under the completion strategy while upholding the norms of due process.

In looking to the future, the International Tribunal will make every effort to develop additional tools to improve the efficiency of its trial and appeals proceedings. In addition, the Tribunal will intensify its ongoing efforts to contribute towards building judicial capacity in the former Yugoslavia. The effective continuation of the International Tribunal's historic work by national jurisdictions in the region will be a key component of the Tribunal's legacy.

The President: I thank Judge Pocar for his briefing.

I now give the floor to Judge Erik Møse, President of the International Criminal Tribunal for Rwanda.

Judge Møse: It is an honour to address the members of the Security Council and to present the updated version of the International Criminal Tribunal for Rwanda (ICTR) completion strategy submitted to the Council on 29 May 2006.

When the ICTR Prosecutor and I appeared before the Council in December 2005, 52 persons had their cases completed or ongoing. That number has now increased to 55 — one more than indicated in the document the Council received about a week ago. On 2 June 2006, Joseph Serugendo, a technical adviser of the Radio Télévision Libre des Mille Collines (RTLM) radio station in Rwanda in 1994, was sentenced to six years' imprisonment. He had pleaded guilty to direct and public incitement to commit genocide and a crime against humanity: persecution.

The other judgment which has been rendered during the last six months involved Paul Bisengimana, a former *bourgmestre*, who on 14 April 2006 was convicted of crimes against humanity: murder and extermination. He was sentenced to 15 years' imprisonment following a guilty plea. Twenty-eight accused have now received judgments, of whom seven have pleaded guilty.

There has been considerable progress in the six single-accused trials. In a few weeks' time, judgment will be rendered in the *Rwamakuba* and *Mpambara* cases. Therefore, the ICTR will soon have completed cases involving 30 accused. Another two trials, *Muvunyi* and *Seromba*, are virtually completed. Judgments are expected later this year, after the closing arguments.

One new trial, *Karera*, started as scheduled in early January 2006. The prosecution completed its case within 16 trial days. The defence is now midway through the presentation of its case. Let me also recall that the *Mpambara* trial was completed in 28 trial days, during which 26 witnesses and closing arguments were heard. These two cases are new examples of the ability of the ICTR to conduct single-accused trials within a very limited time. In *Zigiranyirazo*, the prosecution case is near completion and the defence will present its evidence after the judicial recess.

The progress in these six single-accused trials will make it possible to commence new trials. Following the recent *Serugendo* judgement, 14 detainees are now awaiting trial. It is expected that three new single-accused trials may commence during the second half of 2006, taking into account Trial Chamber and courtroom availability.

Let me now turn to the five multi-accused trials, which have continued to progress at a steady pace over the past few months. The *Butare* trial, with six accused, is expected to be completed in 2007. The second of the accused has presented his evidence and is now being cross-examined. The *Military I* trial, with four accused, is on course to reach completion of all evidence in 2006. Most witnesses on behalf of three accused have been heard. In the *Government* trial, with four accused, the defence teams are presenting their respective cases. This trial is expected to be completed in 2007. The two remaining joint trials, *Military II*, with four accused, and *Karemera et al.*, with three accused, are now at the stage where prosecution witnesses are testifying.

I have now described the high level of productivity at the ICTR over the past six months, with the Tribunal conducting 11 trials involving 27 accused, and rendering two judgements. All our four courtrooms are in full use. The ICTR remains on course to

complete the trials of 65 to 70 persons by the end of 2008, as indicated in our completion strategy.

The Prosecutor will provide the Council with an update of his plans to transfer cases to national jurisdictions. Let me simply note that the prosecution has made one request for transfer in accordance with rule 11 bis of the rules of procedure and evidence, which was denied by the Chamber. That case is now on appeal.

There are 18 indictees at large. The Prosecutor will provide further information. I wish to stress that cooperation from Member States is vital for the arrest and transfer of these accused, as well as of other persons suspected of having participated in the events of 1994. It cannot be overemphasized that the accused must be brought to justice, either at the international or the national level, in order to determine their guilt or innocence. Impunity for alleged perpetrators is not a viable option.

At the December 2005 meeting, I mentioned the need for cooperation from Member States to accommodate persons who have been acquitted by the Tribunal. Two accused in the *Cyangugu* trial were acquitted in February 2004. Four months ago, in February 2006, their acquittals were confirmed by the Appeals Chamber. They are still in a safe house in Arusha, in spite of numerous attempts by the ICTR to relocate them to possible host countries. That is a serious problem. The ICTR depends on the assistance of Member States.

In order to ensure successful implementation of the ICTR completion strategy, continuity and maximum efficiency are of the essence. In my letter of 21 March 2006 to the President of the Security Council, I therefore asked for an extension of the mandate of the 11 permanent judges, instead of proceeding to elections. In May 2007, which, according to the Statute, is the commencement of the next four-year term for the judges, virtually all of them will be occupied in trials. Some of them will be completing the remaining multi-accused trials, whereas others will be conducting the new single-accused trials which will commence in the second half of 2006. If some of them are not re-elected, the result could be a serious disruption in the work of the Tribunal. In the worst-case scenario, trials may have to start de novo, with new judges.

It is true that a prolongation of the mandate of individual judges who are not re-elected is possible. However, that is not a practical solution. Such a solution has only been used for partially-heard cases and not with respect to other judicial activities, leading to under-utilization of available resources. It would also not be cost-efficient. Moreover, even if our judges are replaced with the most experienced judges from national jurisdictions, new judges joining the Tribunal will need time to acquire the necessary institutional knowledge. That time is not available at this important stage of the Tribunal's life. Elections would mean that judges were elected for a four-year term, from May 2007 to May 2011. However, the completion strategy is built on the premise that the trial judges will complete their work by the end of 2008. Under those circumstances, it is clearly preferable to extend the mandate of the judges for about 19 months, instead of electing them for four years.

I noted with pleasure that the Secretary-General, in his letter of 3 May 2006 to the Presidents of the Security Council and the General Assembly, has requested that the mandate of the judges be extended. It would be highly beneficial to the work of the ICTR if the Council could accede to our request as soon as possible.

It has been a deliberate policy to use the same approach in the various versions of our completion strategy. That makes it easy to compare the information provided every six months and to assess the progress made. Moreover, the document has intentionally focused on the judicial activities of the Tribunal and on the measures adopted by the judges to increase the pace of trials. That being said, it is important to emphasize, in parallel with these core activities, there have been constant endeavours by all three branches of the ICTR also to improve the working methods in other ways, which may be less visible to observers of the Tribunal. As these measures have contributed significantly to our efficiency, this seventh version of the completion strategy contains new annexes.

Annex 6 describes some of the initiatives taken by the Office of the Prosecutor to facilitate the trial of cases. The Prosecutor will address those initiatives in his intervention. For my part, I would like to refer to annex 7, which in table form lists measures adopted by the Registry to support the judicial process. I can assure the Council that this list of commendable initiatives could have been made longer. However, in

the interest of brevity and simplicity, it was not possible to mention in that annex all of the measures that have been implemented. Let me briefly draw attention to only two examples from the list.

The first illustration concerns interpretation. Almost all our witnesses testify in the Kinyarwanda language. Until 2000, we had a system of consecutive interpretation. The interpreter sat next to the witness, took notes and, after having heard a portion of the testimony in Kinyarwanda, started translating it into French. Interpretation then followed from the booth into English. Subsequently, due to extensive training, it was possible to achieve simultaneous interpretation from Kinyarwanda into French and then from French into English. That led to the saving of about 25 per cent of effective court time. More recently, the language section has achieved simultaneous interpretation, not only both ways between Kinyarwanda and French, but also between Kinyarwanda and English. Thanks to that advanced level of interpretation, significant time has been saved and the pace of our proceedings has accelerated.

The second example deals with transcription. All of our proceedings are transcribed by court reporters. Originally, a hard copy of the transcripts was delivered after the daily session. However, as a result of the introduction of *CaseView* software, the transcripts now appear on the laptops of the judges and the parties seconds after the words have been spoken. This makes it possible to follow the testimony even more meticulously, correct mistakes, scroll back, confront witnesses with contradictory testimony, et cetera. Owing to that new system and to the fact that our court reporters are highly qualified, the discussions that used to take place between the parties as to the exact words spoken by the witnesses no longer occur. This innovation has saved valuable court time.

I would also like to draw the attention of the Council to the new annex 5, which gives an overview of the Tribunal's outreach and capacity-building programme in Rwanda. A flagship of the outreach programme is the information centre in Kigali, which receives a large number of visitors from all walks of life. Our capacity-building programme includes the training of jurists, advocates and human rights practitioners. A special fellowship programme for Rwandan students has been operational for the past six years. The Tribunal continues to receive delegations from Rwanda. Direct observation of our trials and discussions with Tribunal officials provided a better understanding of our contribution to justice and reconciliation in Rwanda.

The ICTR also conducts regular workshops in various provinces in Rwanda. The purpose of the workshops is to inform the Rwandan people of the work of the Tribunal. The Tribunal has received funds from the European Commission, which will be used to set up information centres in the various provinces within Rwanda. Negotiations with the Rwandan Government for that purpose are currently in progress.

Rwanda has continued to cooperate with the ICTR by facilitating a steady flow of witnesses from Kigali to Arusha and by providing relevant documents for the court proceedings. This is appreciated by the Tribunal. It is important to avoid delays in the processing of documents. Flexibility by the authorities will contribute to that end.

Let me conclude by thanking the members of the Security Council, the Secretariat and the Member States for their support for the successful completion of the work of the ICTR.

The President: I thank Judge Mose for his briefing.

I now give the floor to Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia.

Ms. Del Ponte: Thank you very much, Madam President, for having given me the opportunity to provide the Council with my assessment of the progress made in the completion strategy and to highlight the problems that we continue to face. A written assessment has already been delivered; I intend to focus on the main issues.

A number of steps were taken internally to increase the efficiency of the Tribunal while maintaining the highest standards expected from an international court created by the United Nations.

In this regard, I have proposed the joining of cases with a similar crime base. I have filed four motions for that purpose, three of which have been accepted by the Chambers. One trial with six accused has already begun. Later this year, a consolidated trial, with nine accused charged with crimes committed in Srebrenica, will start, as will another, with six leading

political and military figures indicted for crimes committed by Serb forces in Kosovo.

My second initiative has been to propose the transfer of cases involving mid- and lower-level perpetrators. That undertaking was met with strong opposition from some victims' groups. However, my assessment of the local judiciaries is that they are now capable of trying such cases. I have thus filed 13 motions, beginning in September 2004, requesting the transfer of cases to the domestic jurisdictions of the former Yugoslavia. There are no other cases at the International Criminal Tribunal for the Former Yugoslavia (ICTY) that could be transferred to the region, as, according to the criteria set by the Council, they all concern the most senior leaders responsible for the most serious crimes.

Thirdly, I have been working with the judges in taking all possible measures to ensure that the Tribunal's own process is as efficient as possible. I have put forward packages of reforms that, if implemented, would significantly accelerate the pre-trial and trial proceedings. Given the seriousness of the cases at the ICTY, it is essential to urgently improve pre-trial management, so that issues are narrowed before the trials start and trials can focus on truly contested matters.

Decisions on key issues must be made long before the beginning of a trial. For instance, it is important that a decision be rendered very soon on a motion regarding the disclosure of materials in electronic or hard copy that I filed in the *Seselj* case over two years ago.

I have also proposed that a much more dynamic approach be taken on adjudicated facts. Such facts have been proven in previous trials, and the Chambers have the power to decide that they must not be proven again in a given trial. The instrument of adjudicated facts is therefore a key tool to reduce the scope of the trials. For instance, the prosecution has proven an international armed conflict in Bosnia and Herzegovina no less than five times, wasting months and months on proving the same facts, sometimes with the same witnesses, in case after case. We will have to prove it again, for the sixth time, in the ongoing *Prlic* trial.

I have also taken the lead in promoting the efficient use of time at trial. For example, in the *Prlic* case, the prosecution has put forward a 10-point plan to streamline the trial, within the time limit set by the President of the Trial Chamber, for the prosecution and defence, respectively, to present their cases and undertake cross-examination. That plan was accepted by the Trial Chamber, and its implementation will have serious positive effects.

During the judges' plenary on 30 May, an amendment to the rules was unfortunately adopted that would allow a Trial Chamber to direct the Prosecutor to cut counts in an indictment. In view of the checks and balances contained in the Statute, and particularly the duties and responsibilities of the Prosecutor under the Statute, such directions by the Chambers can be interpreted only as purely advisory in nature. Only the Security Council has the power to modify the ICTY Statute, which guarantees the independence of the Prosecutor and assigns to her the responsibility of determining which charges to bring in a prosecution.

I am continuously reviewing our cases, and I will not hesitate to cut counts when there are clear judicial reasons for doing so. It is, however, impossible to arbitrarily cut and slice cases which are complex by their very nature. My mandate, given by the Security Council, is to prosecute the most senior officials, that is to say persons who were most often far removed from the crime scenes and whose responsibility can be established only by examining a number of different crimes, often in different geographical areas. Removing one or several counts artificially may seriously undermine the prosecution case. It eventually leads to impunity for certain crimes and does not do justice to the victims, who are already puzzled by the completion strategy.

Allow me to cite an example: Srebrenica. Which counts should I eliminate — those referring to the killings of over 7,000 men and boys, or those relating to the forcible transfer of 25,000 women, children and elderly people? Doing either would mean that I would be presenting only half the picture of the serious crimes that took place in Srebrenica. How can I justify presenting only half the picture of the brutal crimes that took place in the former Yugoslavia? Those are choices that, as a Prosecutor who is also representing the victims, I am not ready to make. It would introduce an unacceptable disparity in the treatment of the persons accused by the Tribunal. There must be no justice à la carte.

Speeding up the proceedings is a top priority of my Office; obtaining the arrest and transfer of the

remaining indictees at large is another. It has been said a thousand times that it is inconceivable that the ICTY could close its doors with Radovan Karadzic and Ratko Mladic at large. I want to stress again before the Council that impunity for these two most serious architects of the crimes committed in Bosnia and Herzegovina, both of whom are accused of genocide, would represent a terrible, terrible blow not only to the Tribunal and its success or failure, but to the future of international justice as a whole.

Serbia has the main responsibility to locate, arrest and transfer all six fugitives. According to my information, Mladic, Tolimir, Hadzic and Zupljanin are in Serbia. Furthermore, there are established leads connecting Serbia to Karadzic, whose location is unknown, and to Djordjevic, who is still believed to be in Russia. The fact that Mladic was an active officer of the army of Yugoslavia until May 2002 — a year and a half after the fall of Milosevic and seven years after he had been indicted — adds to Belgrade's responsibility for its failure to deliver the former General.

Over the past 12 months, the Serbian authorities have repeatedly promised that Mladic would be delivered soon. I was told regularly by Serbian officials that the circle was closing in around him. At the end of April, in view of Serbia's failure to achieve the promised results, I reassessed the whole operation and found out that it had been suffering from grave defects. During 2005 there was no real attempt to locate and arrest Mladic; time was wasted in trying to encourage him to surrender voluntarily. Since the beginning of this year, it seems that further actions have been undertaken. In particular, his support network has been targeted and several of his supporters arrested. These actions have sometimes been spectacular; they fed many news articles, but they lacked the necessary discretion that would have permitted the acquisition of information leading to Mladic.

The most blatant dysfunction is the total lack of cooperation between the military and the civilian authorities. The inconsistencies that I could identify in the various reports provided to me came as another surprise and forced me to suspect that some of the information contained in those reports had been doctored for political reasons. In our cooperation with Belgrade, we have not managed so far to achieve the level of trust and transparency that we have achieved with other countries. I will continue to engage the Serbian Government in the months to come, trying to establish more confidence and better communication.

As for the other aspects of the cooperation with Belgrade, a mission was sent in the second half of May to test the new arrangement agreed upon with the Government of Serbia and Montenegro regarding access to archives. That has been a long-standing problem. The first accounts that I have received from my staff are encouraging.

To sum up, the cooperation provided by Serbia to the ICTY has been and remains very difficult and frustrating. There is serious political and administrative resistance within the system, and strong political will is needed to overcome those obstacles. On the basis of the facts in my possession, I cannot be convinced that Serbia is ready to arrest Mladic. For a number of reasons, the authorities may still prefer to force him to surrender voluntarily.

Republika Srpska, within Bosnia and Herzegovina, also has to substantially increase its efforts to locate and arrest fugitives. While it is unclear whether Radovan Karadzic still sometimes resides in or travels through Republika Srpska, it is certain that part of his network and part of his family remain there. In the reporting period, the cooperation provided by Republika Srpska to my Office has somewhat decreased, because of political reasons and the reshuffling of police personnel. Now that a new team is in place, the search for Karadzic must rapidly intensify. My office has maintained a positive working relationship with Montenegro for over a year, and I expect that cooperation to continue at full speed. Part of Karadzic's family is living in Montenegro, and he can count on numerous supporters there.

I am particularly disappointed about the lack of movement regarding another important fugitive, Vlastimir Djordjevic. The investigation carried out by the Russian authorities, as they told us, has failed to produce results. That will have negative implications for the completion strategy, because if Djordjevic is not surrendered within the next weeks it will be impossible to try him together with his six co-accused. Resources will therefore have to be wasted in a separate trial. Djordjevic is accused of very serious crimes committed by Serbian forces in Kosovo. The long and unexplained delays in the transfer of Zelenovic, who has been detained in Russia since August 2005, do not allow for optimism regarding the

future of the ICTY's cooperation with the Russian Federation.

It is also worrying that a sister organization of the Tribunal, the United Nations Interim Administration Mission in Kosovo (UNMIK), refuses to cooperate fully with the Tribunal. These days, my Office has more difficulties gaining access to documents belonging to UNMIK than it does gaining access to documents in any other place in the former Yugoslavia. Furthermore, UNMIK's leadership is encouraging a climate that deters witnesses from talking to my investigators when it comes to the Albanian perpetrators. Very recently there have been some indications that UNMIK is willing to take a more constructive attitude in its relations with my Office.

In my last report I explained at length why Karadzic and Mladic are still at large more than 10 years after they were first indicted. My assessment remains the same today. Serbia has to do much more to arrest and transfer Ratko Mladic. The arrest of Radovan Karadzic is a shared responsibility of Serbia, Republika Srpska, NATO and the European Union-led peacekeeping force (EUFOR).

It is pathetic that today nobody is actively searching for Karadzic. The planned downsizing of EUFOR will further aggravate the situation. Since no one else seems to have the political will to locate and arrest Karadzic and Mladic, I will have no choice but to seek from the Security Council the powers to arrest fugitives wherever they are and to allocate to my Office the resources necessary for that. Ultimately, I do not see any other way for the ICTY to fulfil its mandate and satisfy the victims' legitimate expectations of the United Nations.

The President: I thank Prosecutor Del Ponte for her briefing.

I now give the floor to Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

Mr. Jallow: Since my last report to the Security Council, on 15 December 2005 (see S/PV.5328), the implementation of the completion strategy has continued to progress satisfactorily at the International Criminal Tribunal for Rwanda (ICTR). The recent developments are set out in the revised ICTR completion strategy document which the President of the Tribunal has submitted to the Security Council following consultations with my Office and with the Registry.

In the preceding six months, the Office of the Prosecutor has started the *Karera* case, of which it has since concluded the prosecution phase. The defence phase is currently proceeding. During this period we have concluded three other cases and are ready to commence three new trials before the end of 2006. The Office of the Prosecutor has, as well, successfully negotiated and concluded one guilty plea, in the case of Joseph Serugendo, as the Tribunal President has indicated.

The ICTR continues to face challenges in tracking and arresting the 18 indicted fugitives. In my last report to the Council, I disclosed that the intelligence available to my Office confirmed that indicted fugitive Félicien Kabuga has continued to reside in and carry on business in Kenya. He continues to be at large. His arrest and trial remain a top priority for the ICTR, and indeed for all of us. We have maintained contact with the authorities in Kenya on this issue, and they have promised to collaborate. Nonetheless, he remains at large. I believe that the Government of Kenya needs to be encouraged to fully cooperate with the ICTR in this respect and to make more intensive efforts to track and arrest Félicien Kabuga and transfer him to the ICTR for trial.

The evasion of justice by Kabuga is a matter of concern to all of us, as well as to many civil society organizations both within and outside of Africa. In my meetings with African non-governmental organizations (NGOs) in May 2006, some 60 NGOs signed a petition calling upon the Government of the Republic of Kenya to cooperate with the ICTR in this respect. Local Kenyan NGOs have also indicated their willingness to cooperate with the ICTR. These civil society organizations are playing a valuable role as partners with the ICTR in the pursuit of international justice. They are to be commended and supported. We hope that this partnership among the ICTR, civil society groups, the United Nations and the Government of Kenya, as well as other Governments, will yield dividends.

The tracking and apprehension of the other 17 fugitives continues to rank as a high priority. We therefore continue to emphasize the need for the cooperation of Member States to ensure their arrest and their eventual trial either at the ICTR or in countries

willing to accept cases on referral from the Tribunal. Unfortunately, in the past six months we have not registered any arrest or transfer of a fugitive to the ICTR.

Referral of indictees under rule 11 bis of the rules of procedure and evidence continues to be a slow and challenging process. The first motion for transfer of a case of an indictee to a national jurisdiction was rejected by a Trial Chamber on 18 May 2006. That ruling significantly limits the range of countries available for referral and in that respect could impact negatively on the referral strategy. However, a final decision is now pending in the joint Appeals Chamber of the Tribunals.

The Security Council has, in its resolution 1503 (2003), called on Member States to assist in developing the capacity of those States willing to accept such cases. However, there is a need for more concrete assurances and indications of possible support for such countries, including Rwanda, in order to encourage a more positive response to ICTR requests for acceptance of cases. Support should be provided to national jurisdictions that are willing, but unable due to resource constraints, to receive and prosecute indictees on referral. While we recognize the cost to States, it is absolutely necessary for more States which have the jurisdiction and the capacity to try these cases to come forward and to share this task with the ICTR in order to promote the cause of an international criminal justice system.

I have, since my last report to the Security Council, met Government officials of some four African countries and discussed with them the possibility of referral of cases to those States for trial. Their responses are awaited. While some countries are willing in principle to accept these cases, inadequate judicial capacity continues to be the main obstacle to their effective collaboration.

Rwanda continues to be our major focus for referral of cases of indictees for trial. In that respect, I have received indications from the Government of Rwanda that this year it intends to take the necessary measures for eligibility to receive cases from the ICTR. The eligibility of Rwanda could significantly advance the Tribunal's transfer strategy.

Meanwhile, my Office has been making its own contribution to capacity-building in the Rwandan legal system in anticipation of this development. There are currently seven Rwandan lawyers working in the Office of the Prosecutor, as well as Rwandan investigators and language assistants. We expect that their experience will be useful to the Government of Rwanda generally, and particularly in the handling of referred cases. Furthermore, we have offered eight places for Rwandan prosecutors for attachment to the Office of the Prosecutor in Arusha as our contribution in training Rwandan lawyers. Our staff in Kigali and Arusha will also assist in training Rwandan investigators.

Negotiations with other European States for referral of cases also continue. We await responses in respect of three cases of indictees which the Office of the Prosecutor has identified for referral to Europe.

In a welcome new development, many countries are now increasingly showing a commitment to prosecuting génocidaires residing in their territory who have not been indicted by the ICTR. We have been collaborating with such countries by providing them with the evidence at our disposal to enable them successfully to prosecute such génocidaires. This commitment by States will further contribute to ensuring that there are no safe havens even for persons who may not have been indicted by the ICTR. We strongly encourage other States to adopt such a policy.

Our focus will continue to be the prosecution of the cases currently on trial, the preparation of the cases of the remaining 14 detainees and at most six of the 18 cases of those who are at large, the implementation of a more effective tracking and arrest strategy for fugitives and the continuation of referral proceedings to national jurisdictions in respect of indictees. I propose to request the referral of the cases of some detainees as well as the cases of most of the 18 who remain at large.

We remain confident that the ICTR can conclude the cases of all those indictees currently in detention — either on trial or awaiting trial — by the 2008 deadline of the completion strategy. In my last report to the Council, however, I drew attention to two challenges that we face: the arrest of the fugitives and the referral of cases. Those challenges remain.

We propose to prosecute at the ICTR at most six of these persons at large, including Mr. Kabuga. In accordance with Security Council resolution 1503 (2003), we propose to transfer the remaining cases to national jurisdictions for prosecution. Ideally, all these fugitives should first be arrested and transferred to the

ICTR and then proceed to be dealt with, either by trial at the ICTR or by referral. Where they remain at large, their cases could still be referred to another country. But the need for arrest in order to enable the case to proceed in the referee country will remain. International cooperation in the arrest and transfer of fugitives to the ICTR or to the referee countries thus remains imperative.

In the event that for any reason the cases earmarked for referral — currently numbering at least 17 and possibly rising to 20 — cannot be transferred to national jurisdictions, the burden of prosecuting those cases will fall back on the ICTR. That will constitute a substantial increase in our workload and present a real challenge to the completion strategy.

Meanwhile, internally, we have continued to develop and implement internal strategies to facilitate the speedy trial of cases, including the improvement of management of the Office of the Prosecutor and the use of technological tools. One such improvement is the electronic disclosure system, a computer-based information management system containing all the non-confidential evidence and other information held by my Office. That store of information, which is available to the defense on application via the Internet, enables defense counsels to access our information database from anywhere in the world 24 hours a day and seven days a week. The most important benefit of the system is that it facilitates compliance by the Office of the Prosecutor with its disclosure obligations under the rules of procedure and evidence and speeds up the trial process.

Others tools have also been adopted, such as the Intranet and the CaseMap systems, as set out in greater detail in the completion strategy document. We are at the moment also in the process of formulating best practices and standards in various aspects of the investigation and trial process, as well as developing manuals and procedures to ensure adherence to those practices and standards.

All of those tools are designed to inject greater efficiency into the Office of the Prosecutor in the discharge of its prosecutorial mandate and to accelerate and expedite the prosecution of cases. We are continuously engaged in the process of reviewing our working methods and strategies to that end. In March 2006, we held our second major strategic review, which gave us the opportunity to identify the measures which we need to take to ensure the success of the completion strategy. Out of that process we have developed a strategic plan, which we hope will be useful in guiding us for the remaining years of the mandate.

Whilst all of those internal measures taken at the Office of the Prosecutor, together with others instituted in the Registry and the Chambers, will enhance greater efficiency, the two challenges of arrests and referrals of cases remain the most pressing issues for the Tribunal.

I would like to seize this opportunity to thank you, Madam, and the Security Council, the Secretariat and Member States, which continue to actively support the Tribunal towards the successful implementation and completion of its mandate.

The President: I thank Mr. Jallow for his briefing.

I now invite Council members who wish to make comments or to ask questions to so indicate to the Secretariat.

Mr. Oshima (Japan): I would like to thank the Presidents of the two Tribunals, Judge Fausto Pocar and Judge Erik Møse, as well as the Prosecutors of the Tribunals, Ms. Carla del Ponte and Mr. Hassan Jallow, for their reports to the Security Council.

Japan understands that both Tribunals have been continuing their efforts to achieve justice. We reiterate our position that both the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) should be strongly encouraged to meet their completion strategies by exploring all measures necessary and appropriate.

In that connection, we expect that the large-scale, multi-accused trials recently introduced in the ICTY will successfully accelerate the conduct of trials, while meeting the requirements of due process. Japan supports the extension of the term of office of the 11 permanent judges of the ICTR from the point of view of fulfilling its completion strategy. In his report to the Council, Judge Møse has repeated his position that

> "it is difficult at this stage to indicate a completion strategy for the ICTR Appeal Chamber, as it is linked to the ICTY completion strategy" (*S/2006/358, annex, para. 8*).

We believe that thorough consideration should be given to achieving better coordination and scheduling between the two Tribunals as early as possible.

With regard to the enquiries into the deaths of Milan Babic and Slobodan Milosevic, we appreciate the cooperation of the Governments of the Netherlands and Sweden. We encourage the ICTY to fully implement the recommendations made by the Swedish auditors on ways to improve the transparency of the conditions of detention.

Japan remains concerned that the arrest and transfer of the key remaining fugitives — especially Radovan Karadzic and Ratko Mladic to the ICTY, and Félicien Kabuga to the ICTR — have not yet been realized. While we note that the Government of Serbia has begun the eradication of the assistance network of Mladic, we are informed that there currently is no trace of his whereabouts. We strongly urge all the relevant States, including Serbia, to make their utmost efforts in that regard.

The international community, including my Government, is strongly committed to bringing about justice and ending impunity. Japan, however, believes that achieving justice requires not only the will of the international community, but also resolution on the part of the States concerned. If both Tribunals should wait for an essentially indefinite period for the transfer of the remaining fugitives, and our support for the Tribunals should come to be considered unlimited, it would be very difficult to justify our support for the Tribunals through the Member States' assessed contribution. We would like to reiterate our view that possible funding beyond the deadline set by the completion strategies should be met through voluntary contributions by States concerned and by States especially interested.

The time has come for us to shift the focus of our activities to capacity-building and outreach activities at the regional and national levels. We must achieve real justice and confidence in the reconciliation process. To do so, we should strengthen cooperation with the goal of establishing the rule of law and formulating a mechanism to ensure fair trials at the regional and national levels. From that point of view, Japan, in cooperation with the United Nations Development Programme, has been assisting the War Crimes Chamber in Bosnia and Herzegovina by training judicial staff members and providing it with needed equipment. We have also been considering extending further assistance to judicial institutions in Bosnia and Herzegovina. We note with appreciation that both Tribunals have established outreach programmes in order to raise awareness and provide the public and the media with information. We hope that those commendable efforts will be strengthened and that they will bear fruit in the four and a half years that remain.

In conclusion, we once again call upon both Tribunals, with the cooperation of relevant States, to fulfil the purposes of their establishment by bringing to justice all the remaining fugitives by the deadlines of their completion strategies. We strongly hope that the efforts of the international community over 10 years will be fully integrated into regional, national and community capacities.

Mr. Manongi (United Republic of Tanzania): We join in welcoming Judge Pocar and Judge Møse, as well as Prosecutors Carla del Ponte and Hassan Jallow, and thank them for their presentations.

We are pleased to note that there is progress being made by the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) as they work to execute their respective completion strategies. We commend the judgements that have been concluded and delivered, and look forward to further progress in that regard. We also note the outstanding work and challenges that continue to confront the two Tribunals.

With regard to the International Criminal Tribunal for Rwanda, one such challenge is the disappointing recognition that 18 indictees still remain at large. In our view, that makes a statement about the lack of full cooperation by States with the ICTR.

Bearing that constraint in mind, we are pleased to note that the ICTR is still within the scope of implementing its completion strategy by 2008. However, the appeals process presents a different picture. It is doubtful whether appeals from the ICTR can be accommodated by the ICTY Appeals Chamber by the projected date of 2010. Obviously, as the workload on the Trial Chambers of the two Tribunals decreases, the load will be shifted to the Appeals Chamber. At some point the Council may have to address the question of increasing the number of judges in the Appeals Chamber, to facilitate the overall completion strategy.

Once again, we commend the ICTR for the adoption of measures that have made it possible to speed up trials, for the solution found with regard to the problem of obtaining witnesses from Rwanda, and for the Trial Chamber provisions allowing for two defense counsels, under which, in the absence of one, the other would be available to continue representing a defendant.

The transfer of cases to national jurisdictions is an important factor in the completion strategy as provided in resolution 1503 (2003). We welcome the fact that the ICTR Prosecutor intends to transfer five of the 15 detainees awaiting trial at Arusha to national jurisdictions and is also considering the transfer of over 40 case files, including those of 12 indictees who are yet to be apprehended.

However, we are concerned by a report that the Office of the Prosecutor may face problems in undertaking the transfer exercise. Some of the setbacks are national laws that do not confer jurisdiction to prosecute, the inability of some countries to handle the cases and the lack of resources to support such complex prosecutions. That is a challenge that countries need not face alone. Indeed, we recall that resolution 1503 (2003) called on the international community to assist national jurisdictions, as part of the completion strategy of the Tribunals, in improving national capacities to prosecute cases transferred from the ICTY and ICTR to national jurisdictions.

There is therefore a need to obtain specific proposals from the Secretariat, and indeed from the Tribunals, as to what concrete mechanisms can be put in place to implement that particular element of the resolution as a way of truly supporting the completion strategy that the Council has established for the two Tribunals. In addition, since the bulk of those cases concern Rwanda, we note that the Prosecutor is still discussing the question of the death penalty with the Government of Rwanda. That is a sensitive issue that risks the imposition of double standards on similar crimes. We welcome the fact that there is progress being made to bridge the differences that exist.

However, another important issue is that of the availability of resources to Rwanda to enable it to handle the workload. Rwanda is still overwhelmed by the ongoing genocide trials. It is important to lay down a strategy to build the capacity of the Rwandese judicial system to enable it to handle the cases referred to it under Rule 11 bis. We applaud the efforts that the ICTR has exerted to that end.

Lastly, with regard to the ICTR, Tanzania supports the request for the extension of the mandate of 11 judges for a period of 19 months beyond their current terms. As pointed out by Judge Erik Møse, that course of action will avert potential disruption in the work of the Tribunal.

Turning to the International Criminal Tribunal for the Former Yugoslavia, we commend the further steps proposed by the working group on speeding up trials, chaired by Judge Bonomy. We pay tribute to the sensitivity shown to the fact that the imposition of any measures cannot be at the expense of due process.

We are conscious of the fact that while implementing the ICTY completion strategy by 2009 remains relevant, it stands to suffer from a number of factors, such as the availability of witnesses and difficulties pertaining to State cooperation in the apprehension of indictees. Such lack of cooperation not only undermines the Tribunal's jurisdiction, it also delays justice for the victims and for the people of the former Yugoslavia.

It is in that sense that we consider the matter of State cooperation as an issue of the utmost importance for all Member States of the United Nations and for the international community. A serious commitment by all countries will deny shelter to fugitives from the jurisdiction of both the ICTR and the ICTY. We have to shoulder our responsibilities in apprehending them and handing them over to the two bodies for justice and closure.

Finally, we appeal to United Nations Member States to pay their contributions to the two Tribunals in full and on time. Contributions from Member States are critical if the Tribunals are to fulfil their mandates and meet their completion strategies. It is unfortunate that those contributions have often been lacking when they were needed most. Those circumstances need to be reversed, in the interest of our collective pursuit of justice, peace and stability.

Mr. D'Alotto (Argentina) (*spoke in Spanish*): We would like to express our thanks for the presentation of the biannual reports of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and to Presidents Fausto Pocar and Erik Møse. We

would also like to thank Prosecutors Carla Del Ponte and Hassan Bubacar Jallow for their reports.

With regard to the Tribunal for the Former Yugoslavia, we are pleased to note that the work done in the past six months has brought about progress in the completion strategy, both in the Trial Chamber, which is working to the fullest capacity, and in the Appeals Chamber, which is preparing cases for trial. We also note with interest that the trials of multiple accused will begin in July and August this year, and that there has been a reduction in the number of cases awaiting trial.

We believe that, despite the publicly known events that have taken place in the framework of the Tribunal, it has nevertheless been possible to affirm the responsibility of the perpetrators of genocide violations of international human rights, as well as to create the conditions necessary for the restoration of justice.

We affirm our belief in the importance of the measures that have been adopted and the proposals that have been made by the working group on speeding up trials to implement the completion strategy. We would especially like to underscore the more active role being played by pretrial judges in preparing cases, which should bring about greater cooperation and speed up trials. We also believe that all the measures referred to in paragraphs 20 and 27 (S/2006/353, annex 1) are useful, in particular those that will speed up the engagement of the defence. Proposals to limit the duration of pleadings by the defence and prosecutors should always be balanced against the requirements of due process.

We support efforts to develop the requisite capacity in national jurisdictions to try intermediate and lower-ranking accused. We hope that the necessary funds will be forthcoming.

Finally, we would like to point to my country's ongoing judicial cooperation with the Tribunal and with the Security Council. That cooperation manifested itself in the speedy extradition and transfer to The Hague of Mr. Milan Lukic, in February 2006. We hope that the most intensive efforts will be made to track and extradite the six high-level fugitives, in particular Radovan Karadzic and Ratko Mladic. As is clearly stated in the report, this is an indispensable step in the peace, reconciliation and development process in the region.

As regards the International Criminal Tribunal for Rwanda, my delegation welcomes the start of trial proceedings for 27 persons, and we support the proposal to transfer some of the 15 detainees to national jurisdictions. We also take note of the fact that the cases of 54 persons have either been completed or are under way.

We would like to urge that the Prosecutor continue to make intensive efforts to apprehend those still at large. Over the next few months, we will have to consider ways and means of increasing resources and, probably, the number of judges in the Appeals Chamber of the ICTY, which also hears Rwanda's appeals. We are convinced of the importance of finalizing the completion strategy by 2010, as set out in resolution 1503 (2003), in keeping with the norms and principles of due process.

Mr. Al-Qahtani (Qatar) *(spoke in Arabic)*: At the outset, my delegation would like to associate itself with previous speakers in extending our sincere thanks to the President and the Prosecutor of the International Criminal Tribunal for the former Yugoslavia and to the President and the Prosecutor of the International Criminal Tribunal for Rwanda. We would like to thank them for their comprehensive briefings to the Council, which covered the efforts that both Tribunals have made over the past six months. We take this opportunity to commend both Tribunals once again for the important work they are doing in the interests of peace and national reconciliation and for the progress that they have achieved over the past period.

The completion strategy, which the Security Council called on the two courts to implement in its resolution 1503 (2003), is well under way, and a number of steps have been taken, including measures to transfer intermediate- and low-level defendants to national jurisdictions and to make greater use of the ad litem judges.

In the context of those efforts, we would like to stress the importance of the recommendations made by the working group on speeding up appeals and trial, as noted in the report issued last February. Those recommendations include increasing the efficiency of the ad litem judges and enhancing pretrial procedures, the initiation of the e-Court system and the transfer of certain cases to national jurisdictions.

The most recent inquiry conducted by the ICTY and the Dutch authorities has concluded that Slobodan

Milosevic died of natural causes, thus dispelling all suspicions raised by the media. We would like in that regard to stress that the fact that Milosevic's trial ended prematurely will not have an impact on the overall work of the Tribunal, since the trial was already in its final stages.

Once again, we would like to stress the obligation of the United Nations to enhance the work of both Tribunals so that those responsible for the most grievous violations of humanitarian law can be brought to justice. In doing so, it must respect the rights of all defendants and enhance cooperation to extradite the accused. The non-extradition of such accused persons would gravely undermine the work of the Tribunals. We would like to appeal, therefore, to the Government of Serbia to fulfil its obligations to the international community in accordance with resolutions 1503 (2003) and 1534 (2004), particularly with respect to the capture of Mladic and Karadzic and their extradition, in order that justice may be upheld. We should also not fail to mention the 18 accused who should stand trial before the International Criminal Tribunal for Rwanda, so as to ensure that justice is done – justice which has been lacking in that part of the world.

Both Tribunals should continue to make the utmost efforts to improve their administration and enhance their efficiency. The victims of those grievous violations of international law are counting on both courts to uphold justice. We therefore urge the Tribunals to continue to make the utmost efforts regarding the application of the law in the cases before it, within the framework of the completion strategy.

Since we have been given the opportunity to ask some questions of both Presidents and Prosecutors, I would like to inquire if, since the report was prepared, further efforts have been made by the tribunals, particularly the Rwanda Tribunal, with respect to trying Mr. Taylor before the Special Court for Sierra Leone. Have they been able to provide any services to the Special Court for Sierra Leone in the trial of Mr. Taylor, or has that not been possible to date?

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I wish to thank President Pocar and Prosecutor Del Ponte of the International Criminal Tribunal for the former Yugoslavia (ICTY) as well as President Møse and Prosecutor Jallow of the International Criminal Tribunal for Rwanda (ICTR) for the reports on their respective tribunals.

China welcomes the recommendations submitted by the working group on speeding up trials aimed at enhancing the efficiency of the proceedings. We believe that it is in the interest of the Tribunals to enhance the efficiency of their proceedings, drawing on the strengths and advantages of the civil law as well as the common law system, and embark on a trial process that is closely managed by the judges of the tribunals.

We note also that the ICTY is making consistent efforts to refer cases involving intermediate- and lower-ranking accused to the competent national jurisdictions. However, we believe that, due to a multitude of factors, the progress achieved and the results of the work done in that area are not evident enough.

With respect to the ICTR, we appreciate the consistent manner in which it is carrying out its work as well as the ongoing efforts it has been making to implement the completion strategy. We are also satisfied with the efforts of the ICTR in terms of transferring cases involving intermediate- and lower-ranking accused to the competent national jurisdictions. In addition, we are immensely interested in the ICTR's outreach programme.

As we approach the deadline set in the completion strategies, the Security Council has done considerable work for the purposes of attaining those goals, including, in response to the recommendation and requests of the Tribunals, adopting resolutions in support of the work of the Tribunals. We believe that, in order to ensure the successful completion of the work of the Tribunals, it is worth considering extending, where appropriate, the mandates of the judges and increasing, where necessary, the use of ad litem judges to assist in the work of the Tribunals.

In order to carry out the completion strategies, it would be right for the Tribunals to focus on improving the efficiency of their proceedings. At the same time, we also urge the Tribunals, the ICTY in particular, to continue working on referring cases involving intermediate and low-ranking accused to competent national jurisdictions. For that purpose, we appeal to countries in a position to do so to continue to provide further financial and technical assistance, and to assist countries in the region in their judicial capacity-building, so that they will be equipped, sooner rather than later, to conduct trials. In addition, cooperation between and among countries in the region represents

an important guarantee of the timely completion of the mandates of the Tribunals.

Lastly, it is our hope that the Security Council will consider as soon as possible the arrangements for work after the two Tribunals have completed their mandates. We believe that this is part and parcel of the effort to promote the implementation of the completion strategies of the Tribunals.

Mr. Gayama (Congo) (*spoke in French*): I too wish to thank the Presidents of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and their respective Prosecutors, for their briefings to the Council.

The assessment reports (S/2006/353 and S/2006/358) before us give us an opportunity to underscore the Security Council's active contribution in the development of ICTY and the ICTR, as well as the major role that the two Tribunals continue to play in the fight against impunity. We are particularly pleased to note that progress since the previous report continues steadily towards achievement of the goals set forth in the framework of the completion strategies of the two courts, as reflected in the noteworthy evolution of the Tribunals' rules of procedure, of which we take note. Moreover, we may call this a success for international law.

In general terms, the reports enable us to appreciate the ongoing concern of the judges to seek out effectiveness in their procedures without harming the need to protect the rights of the defence and respect for human rights.

The recommendations adopted by the working group on speeding up trials, the use of ad litem judges and the referral of certain cases to competent national courts make it possible to put in context the judgement that it would be improbable that all trials could be completed prior to 2009.

In the view of my delegation, all solutions aimed at speeding up trials and appeals — such as changing the number of cases dealt with by the Tribunal, setting up mechanisms for tracking fugitives, ensuring conditions of detention that will minimize the risk of physical failure, removing all material or procedural constraints in all trial phases — can make it possible to achieve the goals that have been set and meet the deadlines that have been established. To that end, we encourage the working group to continue its efforts. We also encourage the judges to work together more closely in order to find concrete and achievable solutions. We know how useful it is to ensure this necessary interaction among individuals who deal with the same types of activities.

Today's reports also highlight the paramount role played, first and foremost, by regional cooperation, as well as by international cooperation as important elements in the completion strategy. Such cooperation has brought about further improvements because it has made it possible to transfer a large number of indictees who were at large. However, in many other areas, we must observe that cooperation continues to be insufficient. The Prosecutors have been very clear on that point.

It is clear that the cause of justice would not be served if the primary perpetrators of heinous crimes who have affected many innocent victims were not brought before the Tribunals established for that purpose. Moreover, the delays in arresting the principal fugitives further lengthens, uselessly, the timetables for the work of the Tribunals.

To respond appropriately to the major need for national reconciliation, which should be seen only in terms of truth, the effective administration of justice continues to be the only parameter to ensure a solid basis to restore the fabric of nations that have particularly suffered due to the crimes of which we are all aware.

We also share the view that the Council needs to demonstrate greater resolve and call for cooperation from States in apprehending and transferring the indictees who are being sought. The responsibility of these States, like that of the Council and of the international community, is great in this respect: all with the ability to use force must use it here for a cause that is transcendent, because we are talking about cause of truth.

There are certainly other elements that need to be taken into account because of their impact on the completion strategies. These elements include the availability of judges, whose role clearly needs to be strengthened, but also training based on needs. On the regional level — here I am particularly referring to the African region — and in the context of referrals of certain cases to national jurisdictions, it is just as important to strengthen national capacities. That

remains the best guarantee against overwhelming the Tribunals and is also important in terms of time management, given that time in these cases is crucial.

Since these factors have a decisive role in the completion of trials, we should also underscore the need to ensure that financial resources are made available by the international community, without overlooking the need for increased Security Council involvement insofar as uncertainties with respect to cooperation from certain Administrations, as has been stated, can seriously undermine the Tribunals' completion of their missions.

At this juncture, my delegation would like additional information about the way in which cooperation takes place between the Tribunals and the States that are called upon to cooperate with them. Judge Erik Møse, President of the International Criminal Tribunal for Rwanda, referred to his comments at the 2005 meeting and to the fact that the acquittal of a number of individuals in the *Cyangugu* trial four months ago, in February 2006, did not lead to their being subsequently relocated in certain host countries. Our colleague from Qatar referred to the case of Charles Taylor. A little while ago it was being said that it was difficult to find a country that would receive him following his trial — if, indeed, there is a trial.

What is the situation with respect to Rwanda at this time? Is it Rwanda itself — the country from which the accused persons originate — that is impeding their return, or are there third countries that are not cooperating satisfactorily in terms of receiving those persons whose trials have been completed?

Ms. Willson (United States of America): The United States remains strongly committed to providing significant financial and diplomatic support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and appreciates the work of its President, Prosecutor and Registrar to bring to justice those most responsible for serious violations of international humanitarian law.

We regret Slobodan Milosevic's death as his trial was nearing completion. However, the accumulation of testimony and evidence brought to light has helped to ensure accountability for the atrocities committed in the Balkans and reconciliation for those who have suffered as a result of such crimes.

We welcome the Tribunal President's report on the conclusions of the investigations looking into the circumstances of Milosevic's death. We believe that the three inquiries initiated by the ICTY were thorough and appropriate responses. We commend the President's handling of this issue and his commitment to implement the recommendations of the inquiries.

The focus of the Tribunal and the international community should now be on the road ahead. Milosevic's death makes more urgent the successful completion of trials already in progress and the apprehension and transfer of those still at large.

In this regard, the United States appreciates the work of the President and the Prosecutor to increase Tribunal efficiency and meet the Tribunal's completion strategy targets of concluding trials by 2008 and all work by 2010, as endorsed by the Security Council. For example, we welcome the initiatives detailed in the President's report aimed at increasing the efficiency of pre-trial proceedings. We would also welcome attention to ensuring that the existing indictments are sufficiently focused.

The success of the completion strategy does not depend solely on the Tribunal, however. The international community can help by supporting the Tribunal's efforts to help create the capacity for domestic trials of low- and mid-level cases. We note the significant work being done in Sarajevo, Belgrade and Zagreb in that regard, and urge other States to contribute to domestic war crimes prosecutions through either direct financial assistance or in-kind contributions.

We call on all States to fulfil their legal obligations to cooperate fully with the ICTY. Such cooperation includes access to relevant and necessary information, as well as the apprehension of all fugitive indictees within their territory and their transfer to The Hague without further delay.

The United States calls on Serbia and Montenegro and the Bosnian Serb authorities to fulfil their obligations to the ICTY, in particular through the apprehension and transfer to the Tribunal of Radovan Karadzic and Ratko Mladic, for whom the Tribunal's doors will always remain open. The United States and others in the international community have made clear to Serbia and Montenegro and the Bosnian Serb authorities that upholding international obligations to the ICTY is a prerequisite for further integration into

the Euro-Atlantic community. As long as Karadzic and Mladic remain at large, Serbia and Montenegro and Bosnia and Herzegovina will not be able to engage fully with Euro-Atlantic institutions.

We are disappointed that, despite many statements of intent from the Government of Serbia, progress has not been made on the apprehension of Mladic. We call on Serbian Prime Minister Kostunica as head of Government and on Defence Minister Stankovic to intensify their efforts to apprehend and deliver Mladic and all other fugitive indictees to The Hague. Efforts will be judged not only by words, but by results. The international community must continue to exercise additional scrutiny of Serbia and Montenegro and the Bosnian Serb authorities to ensure their full cooperation with the Tribunal.

The United States also expresses its appreciation to President Møse and Mr. Jallow for their reports to the Council. The United States remains strongly committed to the International Criminal Tribunal for Rwanda and is pleased to note the increased pace of trials under the leadership of President Møse. We must all continue to work together to ensure the success of the Tribunals completion strategy, which seeks to conclude trials by 2008 and all work by 2010, as was previously endorsed by the Security Council.

To facilitate the implementation of the completion strategy, President Møse has recommended that the terms of office of the Tribunal's current permanent judges be extended to 31 December 2008. The United States supports that proposal and agrees with President Møse that that measure will provide continuity and avoid delays that would necessarily result if new judges were to be elected in 2007.

We again call on all States, particularly Kenya and the Democratic Republic of the Congo, to fulfil their international obligations to apprehend and transfer to the International tribunal all persons indicted for war crimes by the Tribunal who are within their territory. Those fugitives continue to foment conflict in the Great Lakes region and must be actively pursued and apprehended, consistent with numerous Security Council resolutions adopted under Chapter VII of the Charter, including resolution 1534 (2004) and resolution 1503 (2003).

Mr. Christian (Ghana): I wish, on behalf of Ghana's delegation, to thank the Presidents and the Chief Prosecutors of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their comprehensive briefings to the Council.

The ICTY has played a vital role in strengthening the rule of law in the States of the former Yugoslavia by investigating and bringing to trial those accused of war crimes and genocide. We take this opportunity to commend the President, the Chief Prosecutor and their staffs for their dedication to duty, their professionalism and their commitment, which have contributed in no small measure to the Tribunal being regarded as an inspiration and model for other international tribunals. The work both of the Trial Chambers and of the Appeals Chamber is testimony to that fact.

We are encouraged that the ICTY has remained very productive in spite of the difficulties encountered with the deaths of two of its well-known defendants and that it rendered judgements and issued decisions in the Trial and Appeals Chambers.

While we appreciate those achievements, we wish to express our concern about the generally slow pace of trials. Unreasonably lengthy trials not only use up the limited resources of the Tribunal, but also have the potential to compromise the completion strategy of the court, in view of the long waiting list of accused persons. It is important that public and international confidence in the Tribunal and in its procedures be maintained. Trials bogged down by delays and overcomplicated rules of procedure may not be the best way for the Tribunal to project an image of transparency and efficiency.

It is for that reason that we welcome the report of the working group on speeding up trials, and we are happy to note that its proposals are being implemented. We also support the idea of referring less serious cases to national jurisdictions as a means of easing the caseload. In pursuing that option, the international community should support the Tribunal in its efforts at capacity-building for national courts to enable them to handle cases efficiently.

The fact that six persons wanted for the most egregious violations of human rights and for war crimes are still at large is a source of great concern to my delegation. We call on the States of the former Yugoslavia to cooperate with the Tribunal in bringing those fugitives to justice. The mandate of the Tribunal cannot be regarded as having been fully implemented when the most serious violators are still at large.

With regard to the question of the completion strategy, it may be too early to assess whether the time limits set out in resolution 1534 (2004) will be met by the Tribunal. However, we believe that there should be room for Council flexibility on this matter, depending on how events unfold.

We wish to commend the International Criminal Tribunal for Rwanda for the fundamental role it has played towards peace and reconciliation in Rwanda. Its work has been crucial in restoring democracy and the rule of law in a country that has suffered the traumatic consequences of genocide. We are pleased to note that the ICTR has completed all investigations, as requested by resolution 1503 (2003), and that it has endeavoured to meet the targets set in the completion strategies of 2004 to 2006.

The ICTR is committed to bringing to justice those persons most responsible for genocide and violations of international humanitarian law committed in Rwanda in 1994. It requires sufficient resources to accomplish that task and to respect the time frame laid down by Security Council resolutions 1503 (2003) and 1534 (2004). In that regard, we support the request made in the report for an increase in the number of personnel in the ICTR Appeals Chamber to enable it to complete its cases by 2010. We also call on Rwanda's neighbouring countries and the international community to cooperate with the ICTR in apprehending accused persons still at large.

The two Tribunals have largely succeeded in accomplishing the tasks for which they were set up. The successful completion of their work will depend not only on the competence of their judges and other staff, but on the international community's continued commitment to the fulfilment of their mandates.

Mr. Pereyra Plasencia (Peru) (*spoke in Spanish*): I wish to thank the Presidents and the Prosecutors of the two Tribunals for the detailed and comprehensive reports presented on the work carried out over the past six months.

Peru holds a firm position of respect for international law, defence of human rights and opposition to impunity. Those are the central elements of our foreign policy. In accordance with those principles, we support the work of the International Criminal Tribunals for the Former Yugoslavia and Rwanda.

We welcome the efforts that both Tribunals and Prosecutor's Offices are undertaking to comply with the timetable set out in their completion strategies. While we recognize the difficulties of precisely predicting particular stages in that context, we appeal to them to continue doing what is necessary to comply with the timetables envisaged in the completion strategies. However, I must stress that in this process it is essential to establish the proper balance between the need to meet the deadlines and the need to observe the strictest standards of due process.

In order to render justice for the victims of the atrocities being considered by both Tribunals and to comply with the completion strategies, the full cooperation of States is fundamental. More than 10 years have passed since the Security Council created the International Tribunals for the Former Yugoslavia and Rwanda, and important leaders accused of having committed serious crimes still remain at large. That situation can continue no longer. The fugitives must be arrested, and, once they are in the custody of a State, that State must make the accused available to the Tribunal as soon as possible. Other forms of cooperation — such as, inter alia, access to documents and witnesses — are also essential to ensure that trials are not unnecessarily delayed.

Another important element in complying with the completion strategy is the appropriate referral of cases involving intermediate- or lower-rank accused to competent national jurisdictions. To ensure that such referrals are successful and that national judicial proceedings accomplish the task of putting an end to impunity, it is crucial that the referral process be accompanied by the capacity-building of national judicial systems. We recognize the work being carried out by both Tribunals in that regard, and we urge that those processes receive the necessary international assistance.

The strengthening of national judicial systems will not only have an impact in terms of trials referred from the International Tribunals; it also has the potential to have a significant long-term impact in terms of the effectiveness of the rule of law and improvements in the administration of justice in the countries involved.

With regard to the International Tribunal for the Former Yugoslavia (ICTY), we emphasize that an independent audit of the United Nations Detention Unit

is being carried out. We hope that the recommendations it produces will soon be implemented.

The Security Council, at the request of the ICTY and the International Criminal Tribunal for Rwanda, has approved various measures aimed at accelerating their work and facilitating compliance with their completion strategies. My delegation is prepared to continue to consider such requests and to provide the Tribunals with the support necessary to put an end to impunity for the horrendous crimes committed in the former Yugoslavia and Rwanda.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I thank the officials of the two Tribunals for their briefings and for the reports (S/2006/353 and S/2006/358) submitted to the Security Council, in accordance with resolution 1534 (2004), on the implementation of the completion strategy for their work.

I wish to commend the progress made by the International Criminal Tribunal for Rwanda (ICTR) in the past six months. We are sympathetic with regard to the difficulties faced by Arusha in transferring intermediate- and lower-rank accused to national courts. We believe that the Tribunal's work is particularly important in enhancing the capabilities of the Rwandan courts. It is our view that the referral of cases to national jurisdictions is central to the effort to implement the ICTR completion strategy in a timely way.

Turning to the International Criminal Tribunal for the Former Yugoslavia (ICTY), the situation that has emerged following the death of Mr. Babic and Mr. Milosevic at the Scheveningen detention centre is of the greatest concern. As members know, at the 30 April video conference we questioned Tribunal officials about the circumstances of what took place. Prior to the issuance of the reports before us today, we provided the ICTY with a more detailed list of questions, but unfortunately we cannot say that the information we received was adequate or that it addressed all of our concerns.

It is surprising and strange that, although Milosevic was repeatedly referred to as the ICTY's primary indictee, his health problems were not properly monitored. It is hard to comprehend that following the detection of a non-prescribed medication in the defendant's blood the Tribunal did not immediately conduct an inquiry and that when Milosevic's health deteriorated the International Criminal Tribunal for the Former Yugoslavia made no attempt to admit him to a clinic in the Netherlands. The Trial Chamber committed a grave error in not releasing him for treatment in Moscow, where routine medical procedures would have been carried out. The guarantees provided by the Russian Federation, a permanent member of the Security Council, were rejected. I cannot fail to note that the Russian public was shocked by the tactless statement made by the ICTY Prosecutor following the death of Slobodan Milosevic.

The upshot here is that medical assistance was denied to a man who needed it. Does the ICTY not recall the presumption of innocence? Having proven nothing, the Tribunal is left without its primary indictee, whose case had consumed some three years and vast amounts of money. What lessons has the Tribunal drawn from all of this? "We did everything correctly".

But the ICTY was incomprehensibly humane in another case. It decided on the provisional release of the former Prime Minister of Kosovo, Mr. Haradinaj. The shortsightedness of that action is self-evident. The report of the Prosecutor contains criticism of that individual's relationship with the United Nations Interim Administration Mission in Kosovo (UNMIK). The support for Haradinaj expressed by the head of UNMIK was clearly aimed at undermining the Tribunal's indictment against him. This casts an overall taint on UNMIK.

Returning to the report, I wish to state that we do not accept its negative assessment of cooperation between Russia and the Tribunal. Russia has made the necessary efforts to meet the Tribunal's requests for assistance and to inform it immediately of results in that regard. The Russian Federation is meeting all of its obligations with respect to financing the Tribunal. Over the course of the ICTY's existence, we have contributed some $16.5 million to its budget, including $1.7 million for 2006, which was paid in April.

With respect to the individuals referred to in the report, the investigation by the competent Russian agencies did not confirm the Tribunal's information concerning the whereabouts of Vlastimir Djordjevic. Those agencies continue their search for Mr. Djordjevic, and the ICTY has been kept informed of this on a timely basis.

With regard to Dragan Zelenovic, we wish to refute the information in the report about the alleged release of that indictee from detention. For reasons known to the Tribunal, Zelenovic remains in the pre-detention centre in the city of Khanty-Mansi.

We have noted that in the assessments of the Tribunal leadership there is, unfortunately, a trend towards curtailing the process of referring the cases of intermediate- and lower-ranking accused to national courts in the region. In our view, the Security Council must take additional steps to ease the Tribunal's workload so that it can focus its efforts on ongoing trials and fully comply with the completion strategy within the time frame established by the Council. The Prosecutor must be in a position to take the decisions and make the choices that are necessary to ensure that the Tribunal's work is more effective.

There is concern about the costs of the Tribunal, which are growing for unknown reasons. Its budget has risen from $223 million in 2002-2003 to $276.5 million in 2006-2007. The number of staff is no less impressive: there are 1,146 staff members. The Russian Federation therefore maintains the firm view that the ICTY must strictly comply with its completion strategy. Unwarranted delays or costs in its operation have already had a negative impact on the Tribunal's image throughout the world. The only proper course is to complete the activities of the ICTY in a timely manner and in conformity with the timetable established by the Security Council. We must not adopt policies of legal fantasy, such as the Tribunal's cloak-and-dagger operations to seek the arrest of persons in the territories of individual States.

Mr. Llewellyn (United Kingdom): We thank the Presidents of the two Tribunals — Judge Pocar of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and Judge Møse of the International Criminal Tribunal for Rwanda (ICTR) — and the two Prosecutors — Carla Del Ponte of the ICTY and Hassan Bubacar Jallow of the ICTR — for their presentations this morning.

Let me begin with the ICTR. The United Kingdom strongly supports the ongoing work of the ICTR. We welcome the specific measures taken by the various organs of the ICTR to ensure that the work of the Tribunal proceeds in a timely fashion. We encourage the Tribunal to keep up that momentum in accordance with its completion strategy. We emphasize the need to bring to justice those indictees who remain at large, including Félicien Kabuga, and we call on all States to fulfil their obligation to arrest and transfer indictees and emphasize that that obligation is, of course, established by the Security Council in its resolutions.

The United Kingdom supports extending the terms of judges until 2008. Continuity of the judges is clearly central to keeping the completion strategy on target. We stress, however, that this does not set a precedent, and that any future requests of this kind by either Tribunal would need to be considered on their own merits.

Turning to the ICTY, we welcome the reported progress on the ICTY caseload since the last report, in December 2005. The United Kingdom, of course, is a strong supporter of the ICTY. Those most responsible for genocide, war crimes and crimes against humanity must be brought to justice. We share the concerns of others regarding the risks of slippage in the timetable to 2009, including the financial implications. The Tribunal must maintain maximum effort to rationalize its working methods and increase its efficiency. We recognize the efforts of all of the Tribunal's organs to do just that, as illustrated in the reports, and we look forward to seeing the benefits of those improvements. I would just mention that we support the various rule changes that the Tribunal adopted, I think, just last week.

Turning to the matter of indictees at large and cooperation, let me observe that full cooperation remains an ongoing obligation of all States, including those in the region. We call on the States concerned to comply with their responsibilities to the international community under resolutions 1503 (2003) and 1534 (2004), which others have mentioned. Full cooperation is a fundamental requirement if the countries of the region are to make progress towards the European Union and NATO.

It is imperative that impunity be brought to an end and that those who bear the greatest responsibility for genocide, war crimes and crimes against humanity be transferred to the Tribunal. We call in particular on the authorities of Serbia and Montenegro and Bosnia and Herzegovina — in particular the Republika Srpska — to commit themselves wholeheartedly and unambiguously to the swift arrest and transfer to The Hague of all outstanding fugitive indictees, notably

Mladic and Karadzic. Close cooperation between those countries remains crucial to achieving that result, and we would appeal in particular to the Government of Serbia and Montenegro not to squander its European future for the sake of a lack of cooperation over those two indictees.

As to the question of Montenegro's independence, the European Union has noted Montenegro's 3 June declaration of independence and will address that matter further at its ministerial meeting on 12 June. This is an important moment in the history of Montenegro, and it is vital that the authorities in Podgorica ensure full cooperation with the ICTY. Our firm expectation is that this will be a non-negotiable requirement for progress towards the European Union and NATO.

Turning to the question of Dragan Zelenovic, we were grateful to the Russian Ambassador this morning for his explanation of the current position, and we hope that the Russian authorities will continue to make every effort to resolve the difficulties so that Zelenovic can quickly be transferred to The Hague

We also heard this morning also that the ICTY Prosecutor believes that Vlastimir Djordjevic may also be in Russia, and we look forward to the Russian authorities' continuing to do all they can to trace his whereabouts and, if he is located, to arrange for his immediate transfer to The Hague.

The early end to the trial of Mr. Milosevic with no final outcome was, of course, regrettable, and we welcome Judge Parker's report into the death and President Pocar's statement this morning that he has set up a working group to implement the various reports' recommendations and to improve trial management. Mr. Milosevic's death should not present an obstacle to the necessity of cooperation by all States with the ICTY and has underlined the importance for the ICTY to apply the lessons learned to the successful prosecution of remaining indictees, including Karadzic and Mladic.

Finally, on the question of transfers to the region, the transfer of lower-level and intermediate cases to the national jurisdictions is, of course, key to the ICTY's completion strategy. That should not, of course, be at the expense of fair trials, and we will remain interested in hearing the Tribunal's assessment, in conjunction with that of the Organization for Security and Cooperation in Europe, of national proceedings.

We note that, so far, six individuals have been transferred to the jurisdiction of Bosnia and Herzegovina. The United Kingdom remains supportive of the Bosnia War Crimes Chamber within the context of judicial sector reform in Bosnia. We have, to date, formally committed £2.6 million to the project, as well as providing additional ad hoc assistance. We would join in Judge Pocar's appeal this morning to other donors to make similar commitments.

Mrs. Collet (France) (*spoke in French*): I should like to start by thanking the Presidents and the Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their briefings and for outlining the challenges they face in carrying out their duties.

At the previous meeting on this item, we welcomed the transfer to The Hague of Ante Gotovina, one of the four fugitives mentioned by name in Council resolutions. At the time, we had high hopes of seeing that example followed by the rapid transfer to the ICTY of Ratko Mladic and Radovan Karadzic. Those hopes were dashed, and yet arresting and transferring ICTY indictees to The Hague is an international obligation for the concerned countries of the region and a prerequisite for their integration into the European family. It is imperative that Serbia, Montenegro and Bosnia and Herzegovina fully cooperate with the Tribunal.

Cooperating with the international Tribunals is also an obligation incumbent on all States and international organizations. We welcome the effective cooperation of Argentina that recently enabled the transfer of Milan Lukic. We note, on the other hand, that the Russian Federation has not yet transferred Dragan Zelenovic. We also note the difficulties being experienced in the cooperation between the United Nations Interim Administration Mission in Kosovo and the Office of the Prosecutor.

We also expect the full cooperation of all States in the arrest of Félicien Kabuga and others indicted by the ICTR who remain at large 10 years after the genocide. In that regard, we should like the Tribunal's written reports to set out in greater detail developments in cooperation received and investigations that are still under way.

The most recent reporting period was marked, inter alia, by the death of Slobodan Milosevic. The

French Minister for Foreign Affairs has expressed special sympathy for all those who suffered in the ethnic cleansing decided upon and planned with great resolve by that man. The Tribunal and the Dutch authorities have investigated, as required, the deaths of Milosevic and Milan Babic. The results of those investigations must be analysed.

We were especially interested to learn that the judges have decided to draw lessons from the Milosevic trial and begun to implement a number of the working group's recommendations on accelerating trials. We note in particular their resolve to see judges play a more active role in managing trial proceedings, thus adhering more closely to the investigative model. That, of course, should take place in respect for the independence of the Prosecutor, the rights of the defence and the interests of the victims.

Following certain worrying irregularities, we appeal to the ICTY scrupulously to respect the status of its working languages.

Thanks to the improved functioning of the Tribunals in the context of the completion strategy, justice should be rendered to the victims in a more reasonable time frame, opening the way to reconciliation. To that end, we must welcome the imminent opening of the Srebrenica trial, representing a particularly dark page of our history. Its organization as a single case with multiple accused will make its significance even greater.

As regards the ICTR, we have no objection to the President's request to have the mandate of the permanent judges extended to the end of 2008 in order to complete the trials under way. However, the idea of increasing the number of judges in the Appeals Chamber should be carefully considered.

Another important element of the completion strategy is the transfer of accused to national jurisdictions. That process must be accompanied by the necessary guarantee of fair trials and the non-application of the death penalty. Only thus can it contribute to the development of the rule of law. However, transfer to national jurisdictions cannot be considered in the cases of the highest-level indictees responsible for the most serious crimes. Those cannot escape international justice.

For France, the mission of the Tribunals cannot be completed so long as the principal fugitive indictees — in particular Mr. Karadzic, Mr. Mladic and Mr. Kabuga — remain at large. They must be transferred to The Hague and Arusha without further ado. Like the States concerned, they must remain aware that the Council will not abandon that obligation.

Mrs. Telalian (Greece): At the outset, I too wish to thank the Presidents of the two Tribunals, Judge Fausto Pocar and Erik Møse, as well as Prosecutors Carla Del Ponte and Hassan Jallow, for their reports and detailed presentations this morning. We appreciate their continuous efforts to bring to justice those most responsible for serious violations of international humanitarian law and to promote national reconciliation and peace in the former Yugoslavia and in Rwanda.

With regard to the International Criminal Tribunal for the Former Yugoslavia, we are pleased that, since the submission of the last report, the Tribunal has made important progress as regards the major completion strategy issues. That progress is evidenced in the increasing number of judgments rendered by the Trial Chambers and the Appeals Chamber, and in cases involving the transfer of intermediate- and lower-level accused to national courts in the former Yugoslavia.

In our view, it is important that the Prosecutor has the power to assess whether the trials are conducted on the basis of international standards of fair trial. In that respect, we wish to emphasize the need for the international community to continue its support for developing domestic judicial and prison capacity in the region, in order to ensure that local institutions are able to fulfil their essential function in accordance with international standards of due process.

We appreciate the intensive work carried out by the working group on speeding up trials and the important recommendations it has elaborated to enhance the efficiency of the Tribunal's proceedings by making use of existing rules. In our view, the trials of multiple accused will save considerable time and courtroom space. We also agree with the Prosecutor that further refinement of the Rules of Procedure and Evidence in order to improve pre-trial processes and speed up the presentation of evidence at trial would result in better use of valuable court time.

The past six months have indeed been difficult for the International Criminal Tribunal for the Former

Yugoslavia. We commend the President of the Tribunal for ordering a full internal inquiry in the death of Slobodan Milosevic, as he did in the death of Milan Babic. It would be useful if the results of those inquiries were to be further examined.

In that respect, it is important that following the end of the Milosevic trial, the judges of the International Tribunal have taken into account lessons to be learned in order to improve the management of future trials. It is equally important that the judges are determined to implement concrete measures to ensure that future trials are conducted expeditiously while respecting due-process considerations.

We also encourage the Tribunal to implement the recommendations made by the Swedish auditor concerning improving detention conditions.

We welcome the progress of trials at the International Criminal Tribunal for Rwanda and the number of judgments issued by it. We support the request made by Judge Møse, President of the Tribunal, to extend the term of office of the Tribunal's current permanent judges to 31 December 2008.

Concerning the cases to be transferred by the Prosecutor of the Tribunal to national jurisdictions, we emphasize the vital importance of capacity building, compliance with international standards of fair trial and respect for human rights.

It is encouraging that the two International Tribunals are doing everything within their power to keep up as much as possible with the timeframes of their completion strategies while upholding norms of due process. However, the failure to arrest indictees at large is a serious obstacle to the effective implementation of the completion strategies. Once more, we wish to emphasize that it is the legal obligation of all States in the regions, and of international organizations, to fully cooperate with the Tribunals in order to bring to justice all remaining fugitives, notably Ratko Mladic, Radovan Karadzic and Felicien Kabuga. We also express our concern about the remarks made by the Prosecutor of the ICTY concerning the cooperation provided by the United Nations Interim Administration Mission in Kosovo.

Finally, we urge all States and international organizations to closely cooperate with the two International Tribunals and to support their difficult mission to put an end to impunity and establish the rule of law, and thus support national reconciliation in the former Yugoslavia and Rwanda.

Mr. Matulay (Slovakia): I would like to join previous speakers in thanking the Presidents of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), as well as their Prosecutors, for their assessment of the work of both Tribunals. We wish to express our full support for them as they carry out the tasks given to them by the Security Council.

Slovakia is strongly committed to bringing about universal, balanced and transparent justice. We believe that to be an important aspect of reconciliation in both regions. My delegation considers the completion strategies and objectives set out in resolution 1503 (2003) and 1534 (2004), determining the deadlines for finalizing their work as crucial documents streamlining the final phase of the functioning of both Tribunals.

As to the ICTY, we appreciate the progress made in recent months, in particular the recent outcome of the working group on speeding up trials, in order to identify effective measures to implement the Tribunal's completion strategy. We very much appreciate that the Tribunal promptly implemented recommendations of the working group, allowing some trials to commence more quickly than originally foreseen.

We also welcome the cooperation of the ICTY with domestic courts of the affected countries of the region. My country shares the Tribunal's expectations that trials at the national level will be conducted with full adherence to international norms of due process.

We welcome the arrest of Ante Gotovina in Spain in December 2005. However, we regret the failure to arrest six remaining high-level accused, in particular Radovan Karadzic and Ratko Mladic.

With regard to the death of two accused — Milan Babic and Slobodan Milosevic — we appreciate the prompt reaction of the Tribunal and the steps taken to clarify the circumstances surrounding those events.

We support the call on all States to cooperate fully with the ICTY to ensure the immediate arrest and delivery of remaining fugitives to The Hague to enable the Prosecutor and the ICTY to complete the trial programme within the target date of the end of 2008.

With regard to the ICTR, we welcome the activities it has undertaken in recent months. We

appreciate the intention of the Tribunal's Prosecutor to transfer a number of cases to national jurisdictions. It is necessary to insist on compliance with international standards of fair trial in such transfer.

We welcome the estimate of the ICTR that by the end of 2008 the Court could complete trials and judgments of between 65 and 70 persons. We encourage the Tribunal to bring to justice those persons who are most responsible for genocide and violations of international humanitarian law committed in Rwanda in 1994.

My delegation appreciates the outreach programme activities to strengthen understanding of and confidence in the work of the ICTR among the Rwandan people, as a contribution to national reconciliation in Rwanda.

The President: I shall now make a few comments in my capacity as the representative of Denmark.

Denmark has always been, and remains, a firm supporter of the Tribunals for the Former Yugoslavia and Rwanda. I would like to make three points today.

First, the transfer of the remaining high-level fugitives to The Hague and to Arusha is key in enabling the Tribunals to fulfil their tasks. We have all been aware of this for too long, with too little to show for it. Denmark reiterates its call on all countries — within and outside the respective regions — to cooperate fully, unconditionally and swiftly with the Tribunals.

The Government of Serbia and, within Bosnia and Herzegovina, that of Republika Srpska are particularly well placed to ensure the apprehension of Mladic and Karadzic. We strongly encourage both Governments to act on this immediately. Full cooperation is critical to the Tribunals' ability to function. For the countries of the former Yugoslavia, it is also a precondition for their integration into European and trans-Atlantic structures.

Secondly, Denmark supports the measures taken by the Tribunal for the former Yugoslavia to speed up the trials. I want to thank President Pocar for his leadership in that regard. These steps are necessary to keep the length of the trials within a reasonable time limit, and we trust that they can be taken without compromising either the legitimate needs of the victims or those of the Prosecutor in building up cases of command responsibility.

Thirdly, the President of the Rwanda Tribunal has asked the Security Council and the General Assembly to extend the terms of its permanent judges until the end of 2008. Denmark fully supports his request. We believe it to be both sensible and pragmatic at this critical juncture of the Tribunal's work.

In my capacity as President of the Security Council for this month, I have circulated a draft resolution to that effect for the consideration of Council members. We hope to be able to adopt this draft resolution shortly.

The Tribunals for the former Yugoslavia and for Rwanda provide invaluable contributions in our collective fight against impunity, and they provide invaluable contributions in the maintenance of sustainable peace and stability in the former Yugoslavia and in Rwanda after two of the most abhorrent conflicts since the Second World War. Denmark will continue to actively follow the work of the Tribunals and looks forward to the next set of reports from them.

I now resume my functions as President of the Security Council.

I give the floor to His Excellency Mr. Zoran Loncar, Minister of Public Administration and Local Self-Government of the Republic of Serbia.

Mr. Loncar (Serbia) *(spoke in Serbian; English text provided by the delegation)*: Madam President, allow me at the outset to say how pleased I am to be here in the Security Council today and to assure you that the Government of the Republic of Serbia studied with the greatest attention the reports of the President of the International Criminal Tribunal for the former Yugoslavia (ICTY), Judge Fausto Pocar, and of its Chief Prosecutor, Ms. Carla Del Ponte.

As the country continuing the legal personality of the State union of Serbia and Montenegro, the Republic of Serbia is making all necessary efforts to contribute to the realization of the goals of Security Council resolution 1534 (2004), which defined the completion strategy for the International Tribunal for the former Yugoslavia.

The Government of the Republic of Serbia has expressed its full readiness and a clear political

commitment to successfully complete its cooperation with the ICTY. I would like to recall that, thanks to the tremendous efforts made by the Government of the Republic of Serbia, since the end of 2004 16 indicted persons have to date surrendered voluntarily to the custody of the Tribunal. It is well known that most of the indictees are high-ranking military and police officers. It should be noted that the period in which most of the indicted persons surrendered to the Tribunal was characterized by understanding and an atmosphere of partnership and trust, which yields the best results.

The efforts made so far by the Government of Serbia towards the completion of its cooperation with the ICTY are a confirmation of its firm commitment to continue to fulfil its remaining international obligations. I would also like to take this opportunity to inform the Council that all indicted officers who were in the service of the Republic of Serbia, either in the army of Serbia and Montenegro or as members of the police in Serbia, voluntarily surrendered to the Tribunal, including indicted persons from the Republika Srpska.

The Government of the Republic of Serbia has on many occasions publicly stated that it is in the interest of Serbia to complete its cooperation with the ICTY as soon as possible. As far as the case of General Ratko Mladic is concerned, the Government of Serbia has officially stated that the harbouring of Ratko Mladic is an act of dishonesty that directly threatens the national and State interests of Serbia.

I would like to emphasize in particular the fact that the Government of Serbia has done absolutely everything in its power to find Ratko Mladic and send him to The Hague. The individuals who helped Ratko Mladic to hide all these years have been identified. The competent court sentenced 11 persons suspected of helping Mladic escape justice to a several-months-long prison term. Despite these very intensive and thoroughgoing efforts, it has not been possible to locate Ratko Mladic. Undoubtedly the political will exists to establish his whereabouts, which is a matter of a technical nature.

I would like to assure the Council that the Government of the Republic of Serbia remains firmly committed to fully honouring all of its remaining international obligations in order to complete its cooperation with the Tribunal. The results achieved so far are the most telling proof in that respect.

I would also like to take this opportunity to inform the Council of our readiness fully to cooperate with the ICTY Prosecutor's Office in the area of access to documents and archives. The State union of Serbia and Montenegro and the Republic of Serbia as its successor have so far received 1,148 requests from the Prosecutor's Office. The National Council for Cooperation with the ICTY has positively responded to an overwhelming number of those requests. Currently, only a few pending requests sent by the Prosecutor's Office are considered urgent. New requests from the Prosecutor's Office to Serbia and Montenegro arrive on a daily basis and are expeditiously dealt with.

From 15 December 2005 to date, there have been seven sessions of the National Council; 43 persons were granted waivers, in line with requests made by the Prosecutor's Office, and 39 requests by the Prosecutor's Office for documents were positively responded to. This involves several thousand pages of documents.

In early 2006, the Prosecutor's Office sent a proposal on practical modalities for access to the archives of the State authorities of the State union of Serbia and Montenegro, of the Republic of Serbia and of the Republic of Montenegro, proposing practical solutions to enable the Prosecutor's Office to efficiently access the documents of the State authorities of Serbia and Montenegro.

The proposal was reviewed at the twenty-third and twenty-fourth sessions of the National Council, and, after the opinion of the Government of the Republic of Serbia was obtained, the Council of Ministers of Serbia and Montenegro on 2 March 2006 accepted the Prosecutor's proposal on the practical modalities concerning access to the archives of the State authorities of the State union of Serbia and Montenegro, of the Republic of Serbia and of the Republic of Montenegro.

Once the practical details for access had been harmonized, on 22 May 2006 investigators from the Prosecutor's Office were granted access to the archives of the Ministry of the Interior. On 29 May 2006, Prosecutor's Office investigators were given access to the archives of the Ministry of Defence and the archives of the presidency of Serbia. Those activities are ongoing.

It should be pointed out that in May 2006 a very important law was adopted in the Assembly of the State union of Serbia and Montenegro on freezing the assets of persons indicted by the ICTY who are fugitives from justice.

At the very beginning of my statement, I pointed out that the Republic of Serbia is investing all its efforts to contribute to the achievement of the goals set in resolution 1534 (2004), in which the completion strategy for the ICTY was set. In the context of these efforts, it is important to pay attention to the words of President Pocar to the effect that the last six months have arguably been among the most difficult in the International Tribunal's history. President Pocar's remark refers in particular to the death in the Detention Unit of Slobodan Milosevic, former President of the Republic of Serbia and of the former Republic of Yugoslavia, whose trial was not brought to a close, as well as to the death of Milan Babic, who died before the Second Instance Court reached a decision.

While acknowledging the fact that the reports on the deaths of these two Serbs indicted for serious war crimes have not been officially completed, the Government of Serbia shares the view of the independent investigation carried out by the State authorities of the Kingdom of Sweden at the request of President Pocar that the conditions and treatment of inmates in the Detention Unit have to be significantly improved, and that the control of the work of the Detention Unit has to be more transparent. The Republic of Serbia regrets that such cases — which have happened before in the Tribunal's Detention Unit — depart from the defined goal of the ICTY, which is the efficient administration of international justice towards the perpetrators of serious war crimes, justice for the victims and the creation of conditions for reconciliation among the peoples caught up in the brutal civil war in the territory of Yugoslavia.

The Republic of Serbia welcomes the Tribunal's efforts to make its work more efficient and more just in order to honour the strict deadlines and conditions set in the previously mentioned Security Council resolution. In that sense, the Republic of Serbia considers that tracking down the remaining indictees is of crucial importance, as is transferring trials to national jurisdictions. The trials before the domestic courts may contribute to the realization of the goals for which this high United Nations body established the ICTY in The Hague in 1993.

When tried before a domestic court, an indicted person is exposed to a strict moral authority, standing responsible before his fellow nationals, and the court cannot be labelled as biased. In the same vein, the domestic court may truly contribute to the realization of the goal of mutual reconciliation. That is why the Republic of Serbia once again expresses the readiness of its judicial authorities — especially the Special Prosecutor's Office for the Prosecution of the Perpetrators of War Crimes and the Department for War Crimes of the Belgrade District Court — to process and organize trials of the indictees, or to have them transferred from The Hague.

Despite the fact that past work of the judicial authorities of the Republic of Serbia has been assessed as positive by the Tribunal itself — and by many States, especially some permanent members of the Security Council — not a single case has been transferred from The Hague to the Republic of Serbia. Let me recall that, to date, six cases have been transferred to Bosnia and Herzegovina and two to the Republic of Croatia. We are convinced that mutual cooperation and trust may greatly contribute to the administration of justice.

Finally, I would like to reiterate the firm position of the Government of Serbia that it will continue to undertake all measures within our powers to track down the remaining indicted persons and, if some of them are hiding in Serbia, to transfer them to The Hague. The Republic of Serbia is resolved that all those who have committed war crimes should stand trial either at the ICTY or in the national courts. The Government of Serbia will continue to undertake all available measures to fully honour its international commitments and bring its cooperation with the ICTY to a satisfactory close.

The President: I now give the floor to the representative of Rwanda.

Mr. Shalita (Rwanda): We wish to thank you, Madam President, for convening this meeting to discuss the reports of the International Criminal Tribunal for Rwanda (ICTR) (S/2006/353) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) (S/2006/358). We shall focus our remarks on the ICTR.

My delegation wishes to express its profound thanks to the ICTR President, Judge Erik Møse, and the Prosecutor, Hassan Bubacar Jallow, for their

respective presentations. We commend them for their continued hard work and commitment to the successful implementation of the completion strategy in accordance with Security Council resolutions 1503 (2003) and 1534 (2004).

The late issuance of the report under consideration has created some difficulties for my delegation in preparing for this meeting, as I am sure it has for Council members. We look forward to future reports being issued in good enough time to allow for informed consultations among both Council and non-Council members.

The Rwandan Government also wishes to express at the outset its satisfaction with its good working relationship with the Tribunal. We wish to reiterate our commitment to work closely with the Tribunal to bring to justice those who bear the greatest responsibility for the 1994 genocide in Rwanda.

With only two and a half years remaining for the Tribunal to complete its work in accordance with the completion strategy, it is clear that not much time is left and there is still plenty of work to be done. The following are some of the areas where we believe urgent progress is essential in the next few months.

First, with regard to fugitives still at large, my delegation has on several occasions stated that the perpetrators of the genocide should not be allowed to evade justice, even after 2008. The Tribunal's completion strategy should not be seen as an exit strategy for the international community in its obligations to bring all those suspected of the crime of genocide to trial at the ICTR or in Rwanda. We would welcome appropriate measures that would ensure that all accused are brought to justice, even after the Tribunal's mandate has expired. My delegation has repeatedly expressed Rwanda's commitment, which I reiterate here today, to work with Governments around the world to bring those suspects to justice. We must not allow notorious suspects such as Félicien Kabuga and Augustine Ngirabatware to evade justice. If they did, it would be an extremely sad indictment on us all and would send the wrong signal about the commitment of the international community to prevent genocide by combating impunity.

The second area concerns the transfers of cases. It is a widely accepted principle that trials, especially for crimes as serious as genocide, should take place as close as possible to where the crimes were committed. In this connection, we welcome Prosecutor Jallow's reiteration this morning that Rwanda continues to be the major focus of referrals. It is our view that trials targeted for transfer should take place in Rwanda because that would contribute to our own efforts to eradicate the culture of impunity and promote reconciliation in Rwanda, as our people would be first-hand witnesses to justice being done.

The Rwandan Government has discussed this issue extensively with the ICTR, particularly with the prosecution. Following those meetings, and in close consultation with the Tribunal, my Government has drafted new legislation to prepare for those transfers. The draft legislation includes addressing procedural issues and the creation of special chambers.

The draft legislation addresses the issue of the death penalty, which has been raised this morning by several delegations. It is our intention to waive the death penalty for the transferred cases. We expect that the draft legislation will be tabled before Parliament and adopted as law within the coming weeks.

On the second issue raised in paragraph 41 of the report under consideration — lack of capacity within the Rwandan judiciary — we have had occasion in the past to inform the Council that we have been steadily building and enhancing the capacity of our judiciary over the last decade. Furthermore, the caseload before the Rwandan judiciary has been significantly reduced following the introduction of the Gacaca justice system. That is not to say, however, that our judiciary does not need strengthening; it does, indeed, need strengthening. We would be the first to acknowledge that, and we would welcome any assistance in that connection from the United Nations and through bilateral arrangements. But transferring trials to other jurisdictions does not address the core challenge, which is how to equip Rwandans with the capacity to build a criminal justice system that would, for the long term, fight impunity and promote the rule of law and human rights. This we believe to be the core issue. Transferring cases to Europe or elsewhere simply would not address that core challenge.

Council members will recall that this is a discussion that we had in the context of the establishment and operationalization of the Peacebuilding Commission — a discussion that you, Madam President, co-chaired. The key issue, as we see it, is how to ensure that international interventions like

the ICTR have a sustained positive impact on countries that are emerging or have emerged from conflict. In this context, we do not believe that transferring cases to jurisdictions other than that of Rwanda would achieve the best results for the international community. We believe that with further support from the international community, including financial support for the trials, Rwanda would have the capacity to conduct them in a manner consistent with international standards of fair trial.

The third point relates to transfers of convicts. The Rwanda Government has consistently stated that that all ICTR convicts should serve their sentences in Rwanda, where the crimes were committed. Once again, we believe that this is essential for justice and reconciliation in Rwanda the main reason why the ICTR was established in the first place. The initial concern about the administration of sentences in Rwanda was the lack of a detention facility that met international standards. However, a detention facility was built more than two years ago and was inspected by the ICTR, which certified that it met international standards, and signed a memorandum of understanding to that effect. Despite that, there continues to be delay in effecting the transfers. It is unclear to us why that is the case. We would therefore appeal to the Council to intervene to ensure that those transfers are carried out expeditiously.

The fourth point relates to the transfer of documents and materials. As we continue to consider the legacy of the Tribunal for international justice in general and, more specifically, its effect on Rwanda, we believe that the completion strategy should incorporate the transfer of all court documents and materials to Rwanda, where they could provide a nucleus for a research and education centre which would contribute to raising awareness and to genocide prevention in Rwanda and beyond. We believe that as the ICTR completes its work, the United Nations and the international community should bequeath to Rwanda a genocide prevention and education centre not only to serve the memory of the genocide's 1 million victims, but also to act as a centre for research and for understanding the lessons learned from the Rwanda genocide and as a centre to promote justice, reconciliation and human rights.

The Rwanda Government is open to discussions with the United Nations and Member States on how best to take that proposal forward. However, we should be cognizant of the need to act quickly, given the limited time left before the Tribunal completes its work.

We welcome the information contained in annex 5 of the report concerning the ICTR outreach programme, and we welcome the remarks made in that connection by the representative of Japan. We see that as being inextricably linked to my previous point. In view of the limited time remaining for the Tribunal, we urge that it strive towards greater effectiveness in its outreach programme and ensure that the existing information centre, training programmes for jurists, internships and relationships with academic institutions and civil society groups aim to educate and build capacity among Rwandans. While we welcome the efforts of the ICTR in highlighting some of these issues, which were mentioned in the statement of the Prosecutor, we once again call upon the Tribunal to increase its recruitment of Rwandan jurists and investigators, either as interns or on a permanent basis, in order to ensure knowledge transfer from the ICTR to Rwandan professionals.

We would like to conclude by expressing our profound appreciation to the international community for its continued support of the Tribunal through both assessed and voluntary contributions. As we begin the last leg, we urge the Council to continue its commitment to ensuring that the Tribunal is adequately resourced so that it can conduct its work efficiently and effectively. We also thank the Tribunal's President, Prosecutor and Registrar and their respective teams for their work in ensuring the implementation of the completion strategy.

The President: I now give the floor to Judge Pocar to respond to comments made and questions raised.

Judge Pocar: I would like first to express my gratitude, and the gratitude of the Tribunal, to you, Madam President, and to all the members of the Security Council, for their comments and for the issues raised during the debate. I would like, in particular, to thank members for the support that they have shown for the work of the Tribunal and for its efforts in adopting measures to meet the deadlines of the completion strategy. We will take duly into account all the comments and suggestions that have been made with a view to improving our performance and to

speeding up the slow pace of trials that has been noted in the past.

In that context, I would like to observe that the speeding up of trials is not just a matter that concerns the completion strategy. Primarily, it is a matter of due process and respect for human rights, including those of the accused awaiting trial.

The process of speeding up trials has been a constant preoccupation of the Tribunal, and the measures that we are now adopting were considered in the past, in particular last year, when the working group of Judge Bonomy was set up, long before the events that unfortunately occurred last month. But there is no doubt that the process of revising rules and adopting measures has been accelerated by those events.

In that connection, let me say that I fully understand and share the concern expressed with regard to the death of two persons in the detention centre: Mr. Milosevic, whose trial had not been completed, and Mr. Babic, whose trial and appeal had been completed but who had been called back to give testimony in another case before the Tribunal. I believe that that concern was reflected in the report; it is also reflected in the conclusions of Judge Parker's report and in the measures that I myself and the Tribunal have taken in that respect.

I wish to assure the Security Council that the recommendations made by the independent audit conducted by Swedish experts and the recommendations contained in Judge Parker's report will be fully and speedily implemented in the near future, as will all the measures that we have adopted — and those that we will perhaps adopt in the future — to speed up the trials. I wish to reiterate that the Tribunal remains fully completed to the completion strategy as it conducts trials that fully meet the requirements of due process.

Let me also briefly stress another issue that has been raised by several members of the Security Council: the transfer of cases to domestic courts and improving the capacity of domestic courts. The Tribunal remains fully committed to working together with domestic courts to improve their judicial capacities both to make the referral process effective and to ensure that the rule of law is carried out at the local level when the Tribunal closes, hopefully after having fully accomplished its mission within the deadlines established by the Security Council or by us.

The President: I thank Judge Pocar for the clarifications he has provided.

I now give the floor to Judge Møse to respond to comments and questions raised.

Judge Møse: First of all, let me thank the members of the Security Council for their expressions of support and appreciation for the work of the International Criminal Tribunal for the Former Yugoslavia. We note with pleasure the remarks made both in relation to the progress made and concerning the measures we have taken to increase our efficiency. Furthermore, we strongly appreciate the emphasis placed by Council members on States' obligations to cooperate with the Tribunal in terms of both arrest and transfer. That is a vital area, as stressed by our Prosecutor and as emphasized by all members of the Council. Another important form of support expressed by Security Council members is reflected in the focus on capacity-building and on the need to ensure the necessary resources in the recipient countries of trials to be referred.

The remarks of those representatives who addressed the question of extending the judges' mandates, and the fact that a draft text is being circulated, have been noted with pleasure.

A specific question from the representative of Qatar related to the situation of Charles Taylor. There is no formalized cooperation between the Special Court for Sierra Leone and the International Criminal Tribunal for Rwanda (ICTR); they are different courts with separate mandates. But we received an initiative from the Sierra Leone Court asking us whether we would be able to share courtroom capacity in connection with the trial of Charles Taylor. The Prosecutor and I discussed the matter, and we found that, although we were very sympathetic to the idea of assisting a brother — or sister — tribunal, we had to turn down that possibility, because it would have put our own completion strategy in jeopardy. We are using all our courtrooms at full throttle every day, and an extra case in our Tribunal — that of Charles Taylor — would have created problems in meeting the 2008 deadline.

As for the question about the acquitted person, raised by the representative of the Congo, it too was

very pertinent. Let me stress that all our indictees left Rwanda in 1994, sought refuge in other countries, brought their families to those countries and refused to return. The challenge has been to find places where they can be relocated. I wish to stress that Rwanda has never refused to receive them.

All the other comments made by members have been noted, including the precise reference made by the representative of France to the need to be more specific concerning the level of cooperation, which was a useful remark. Her point was that not only the oral presentations, but also the written reports, should be more specific in that regard. That has been noted, together with other remarks.

All of this will serve as an inspiration to the judges, the Prosecutor and the staff of the ICTR when we share the results of this meeting with them in Arusha in a few days' time.

The President: I thank Judge Møse for his clarifications.

I now give the floor to Prosecutor Jallow to respond to comments made and questions raised.

Mr. Jallow: I thank all members of the Council for their contributions, which have demonstrated their support for the International Criminal Tribunal for Rwanda (ICTR) and for the Tribunals generally. We are also greatly encouraged by the understanding expressed during the course of the debate of the central role of the referral of cases within the completion strategy and, in turn, of the need for capacity-building to ensure the success of the referral system.

In my experience, the countries that are willing to take on our cases are likely unable to assume the costs associated with the referral of cases. Therefore, it is very important that some way of assisting them be found. At this stage, we need to move from a general encouragement of support for those countries that are willing to examining and establishing concrete measures for the building of judicial capacity in those countries. In that respect, I was pleased to hear the representative of the United Republic of Tanzania propose that the United Nations Secretariat, in consultation with the Tribunals, look at what measures can be put in place. I think that that would be very, very welcome and that it would help the referral system.

Of course, let me assure representatives, in response to the concerns that they have raised, that referrals are made only on the condition that the application of the death penalty is excluded, and that there are guarantees of fair trial — both in law and in practice — in the country concerned. If there are no such guarantees, I do not envisage that the Tribunals would make any referrals to that country. In that respect, it was also encouraging to hear from the representative of Rwanda that his country would shortly be taking the steps necessary for it to be eligible. That would help us immensely, as I mentioned in my introduction of the matter.

I should like once again very much to thank you, Madam, and the rest of the Council.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

I take this opportunity, on behalf of the Security Council, to thank Judge Pocar, Judge Møse, Prosecutor Del Ponte and Prosecutor Jallow for taking the time to brief the Security Council.

The meeting rose at 1.30 p.m.